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# UNITED STATES ATTORNEY'S OFFICE DISTRICT OF NEW HAMPSHIRE

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ANNUAL REPORT  
2008



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# IN MEMORIAM



On February 7, 2008, just short of his 57th birthday, the United States Attorney's Office for the District of New Hampshire lost a member of its family, Civil AUSA David Lawrence Broderick, to mesothelioma. Dave had been sick for a mere six weeks, battling an aggressive cancer with his family at his side. His loss is stunning and unexpected for all who knew him.

A warm, funny, and gentle man, Dave joined the U.S. Attorney's Office in April, 1994. Previously, he had been in private practice in Manchester, New Hampshire. Dave was a 1973 graduate of the College of the Holy Cross and also was a 1977 graduate from Suffolk University Law School, from which he proudly watched his daughter Katie also graduate in 2006. Dave had been a member of the New Hampshire Bar since 1977.

At the U.S. Attorney's Office, Dave willingly took on many of the cases that others often avoided, thriving in the quick turnover of matters in Social Security, bankruptcy, and financial litigation. Under his sure hand, these cases were resolved not only in the best interests of the United States, but also with a strong infusion of humanity and justice. He never forgot that he was dealing with people in his cases. An avowed techno-phobe who probably would have preferred to work with quill pens than computers, Dave worked closely with, and relied heavily on, his crack support team, Financial Litigation Paralegal Joanie Hederman, Legal Assistant Faye Guilmette, and Paralegal Judy Prindiville. Always unassuming, he truly enjoyed his work and, more importantly for Dave, the people with whom he worked.

A consummate gentleman in all things, Dave was recognized and respected by many for his expertise and accomplishments in his practice areas. In 2000, he was awarded the Social Security Administration's General Counsel's Citation, the highest award given by that General Counsel. He frequently received other awards within the office, such as Achievement Awards and Special Act Awards, for his continued outstanding labors in his too-often unsung, but essential, areas of practice.

Dave leaves behind his beloved wife, Ruth, and his children, of whom he was so proud -- the twins, Patty and David, and his daughter, Katie, who was a member of this office for several years before attending law school. Our hearts go out to them, because his family meant everything to Dave. His friends here in the District of New Hampshire will sorely miss him.

**AUSA David Broderick**

**Tour of Duty with U.S.A.O.**

**April 3, 1994—February 7, 2008**



## U.S. Department of Justice

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### MESSAGE FROM U.S. ATTORNEY TOM COLANTUONO

This Annual Report is dedicated to the memory of our good friend and colleague, Assistant U.S. Attorney David Broderick. Dave performed outstanding service to the people of New Hampshire during his tenure at our office since 1994. Dave was a highly respected attorney, a valued employee, and a friend to all. He will be deeply missed.

This is the last Annual Report message I will write as I come to the end of my term as United States Attorney for the District of New Hampshire. It has been the highest honor of my professional career to have served the people of New Hampshire in the role of United States Attorney. I have thoroughly enjoyed every moment of my tenure, primarily because of the excellent work of my staff and of the law enforcement and government agencies with which we work. I have the greatest admiration for the quality of work performed every day by federal agents, state troopers, county sheriffs and deputies, local police chiefs and their officers, and the state and county prosecutors with whom we have collaborated on well over a thousand cases during my seven year term. I have the same admiration for the professionalism of the civil agency staffs and of the court and probation personnel who have been so good to work with.

I will miss the daily interaction with these colleagues who have become lifelong friends. Together, we have accomplished much in the battle to keep our streets and neighborhoods safe. We are especially thankful for the fact that we have kept our state and its people safe from terrorist attacks. This is due in large part to the enhanced cooperative spirit and improved teamwork throughout all levels of law enforcement that was made necessary by the events of September 11, 2001. It is my fervent hope that the partnerships we have developed, through our Anti-Terrorism Advisory Council, our Project Safe Neighborhoods anti-gun crime and anti-gang initiative, our Project Safe Childhood initiative and all of the other task forces and working groups we have established, will continue to work for the protection of our law abiding citizens in preventing violence, solving crimes, enhancing civil rights, and keeping our state one of the safest in the nation. My sincere and heartfelt thanks go out to each and every employee and partner who has made the last seven years a wonderful experience for me. I will miss all of you, but I will treasure our lifelong friendships.

For further information about what we do, please go to our website, [www.usdoj.gov/usao/nh](http://www.usdoj.gov/usao/nh), where citizens can access additional information about the work of our office

*Tom Colantuono*



# MISSION STATEMENT

*“The mission of the United States Attorney’s Office for the District of New Hampshire is to work together with federal, state, county and local partners to protect the citizens of the district from terrorism and crime, to provide top quality legal representation, to enforce federal laws and advance the interests of the United States Government, and to attain the highest standards of professionalism in our trial and appellate advocacy.”*

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Deputy Attorney General Mark Filip visits the District of New Hampshire on August 21, 2008.  
L-R: U.S. Attorney Colantuono, DAG Filip and Deputy Chief Gary DiMartino, U.S. Marshal Service

# Introduction to the U.S. Department of Justice and the United States Attorney's Office

The United States Department of Justice is the protector of America's freedom. It's mission is to defend the life and liberty of the American People. The Department carries out its responsibilities by its commitment to:

- Prevent terrorism and promote America's security;
- Enforce federal laws and represent the rights and interests of the American People;
- Assist state, local and tribal efforts to prevent or reduce crime and violence; and
- Ensure the fair and efficient operation of the federal justice system.

The Department of Justice has produced results in each of these important areas by:

- Dismantling terrorist cells, disrupting weapons procurement plots, shutting down terrorist-affiliated charities, and establishing a terrorism prevention strategy;
- Prosecuting more federal gun-crime charges and more defendants with federal gun crimes; contributing to a 20-year low in violent crime and substantial reduction particularly in robberies, assaults and rapes, advocating for greater prison terms for violent offenders, dismantling priority drug trafficking organizations and tracking down more criminal fugitives;

- Collecting more in civil and criminal forfeiture; increasing the number of corporate fraud prosecutions and cases charging civil rights and bias-motivated crimes; and
- Establishing outreach initiatives and partnerships with all levels of government, including Anti-Terrorism Advisory Councils, Project Safe Neighborhoods, Project Safe Childhood, Weed and Seed programs, and law enforcement working groups focusing on prevention, disruption and prosecution of priority criminal activities.

The United States Attorney's Office is charged with fulfilling each part of the Department of Justice mission in New Hampshire. Its accomplishments are exemplified by the work of its Criminal, Civil and Administrative Divisions, and its Anti-Terrorism Advisory Council.



# ANTI-TERRORISM ADVISORY COUNCIL/LAW ENFORCEMENT COORDINATING COMMITTEE

Combating terrorism remains the number one priority of the Department of Justice. Each U.S. Attorney's Office has important anti-terrorism responsibilities. As the chief federal law enforcement officer in New Hampshire, U.S. Attorney Colantuono chairs the Anti-Terrorism Advisory Council (ATAC), a group of law enforcement and other government officials whose departments are involved in the anti-terrorism effort in New Hampshire.

The mission of the ATAC is to promote information sharing, provide training, coordinate the overall anti-terrorism mission, work closely with the Joint Terrorism Task Force (JTTF) and aggressively prosecute any terrorist or terrorism-related cases.

Each U.S. Attorney's Office also hosts a Law Enforcement Coordinating Committee (LECC) under the direction of the U.S. Attorney, assisted by Law Enforcement Coordinator, Mark Long. Because the agencies involved on the ATAC are also members of the LECC, both groups meet together at the same time on a bi-monthly basis, usually on the second Wednesday of the month.

The New Hampshire ATAC/LECC include the following agencies:

- Bureau of Alcohol, Tobacco, Firearms and Explosives
- Concord Police Department
- Defense Criminal Investigative Service
- Department of State Diplomatic Security Service
- Drug Enforcement Administration
- Environmental Protection Agency
- Federal Bureau of Investigation
- Hillsborough County Attorney's Office
- Internal Revenue Service
- Londonderry Police Department
- Manchester Police Department
- Manchester Airport Security
- Merrimack County Attorney's Office
- Nashua Police Department
- Naval Criminal Investigative Service
- New England Division, AMTRAK
- New England HIDTA
- New Hampshire Department of Justice
- New Hampshire Department of Safety
  - Director of Homeland Security
  - New Hampshire State Police
  - New Hampshire Fire Marshal's Office
  - Division of Safety Services, Marine Patrol
- New Hampshire Fish and Game Department
- New Hampshire Police Standards & Training Council
- New Hampshire National Guard
- Newington Police Department
- Portsmouth Police Department
- Rockingham County Attorney's Office
- Rockingham County Sheriff's Office
- Royal Canadian Mounted Police
- Seabrook Police Department
- Sûreté du Québec
- U.S. Air Force
- U.S. Attorney's Office, District of Maine
- U.S. Department of Agriculture
- U.S. Department of Commerce
- National Oceanic and Aviation Administration
  - National Marine Fisheries Service
- U.S. Department of Homeland Security
  - Bureau of Customs and Border Protection
  - Bureau of Immigration and Customs Enforcement
  - Coast Guard
  - Coast Guard Investigative Service
  - Federal Air Marshals
  - Federal Protective Service
  - Secret Service
  - Transportation Security Administration
- U.S. Marshals Service
- U.S. Postal Inspection Service
- U.S. Probation Office
- 12th Civil Support Team, NH National Guard



# ATAC/INTELLIGENCE SPECIALIST

Following the September 11, 2001 attacks, the Department of Justice determined that each U.S. Attorney's Office should have an Intelligence Specialist (IS) responsible for obtaining, coordinating, analyzing, and disseminating terrorism-related information. The IS is the U.S. Attorney's liaison to our national intelligence agencies. He is equipped to communicate with law enforcement and intelligence agencies via the Secret Internet Protocol Router Network (SIPRNET), secure telephone and fax system, NCIC/NLETS/CPIC, Law Enforcement Online (LEO) and the Regional Information Sharing System (RISS). The IS receives and analyzes classified and unclassified intelligence information and coordinates intelligence activities with members of the district's Anti-Terrorism Advisory Council (ATAC) and Joint Terrorism Task Force (JTTF). The goal of this intelligence effort is to share information and resources needed to detect terrorist networks and to arrest and prosecute terrorists before they act. The IS supports the ATAC under the general guidance of the U.S. Attorney and the ATAC Coordinator. The Attorney General directed the IS to "provide JTTF with intelligence information generated by ATAC members who are not JTTF members, as well as intelligence obtained by the USAO's from non-terrorism prosecutions and investigations. The IS maintains address rosters, an e-mail tree and an extensive list of contacts for law enforcement and the private sector from which information can be pulled or pushed in support of any number of situations. The IS also works with area Integrated Border Enforcement Teams, Royal Canadian Mounted Police (RCMP), Canadian Security Intelligence Service (CSIS), Sûreté du Québec and other agencies or bodies responsible for covering the NH/Canadian border area.

The IS provides a conduit for local law enforcement intelligence officers to contact other regional, state and international organizations and creates networks of counterterrorism intelligence, training and assistance. The IS provides counter terrorism training to law enforcement officers, teaching ATAC members to: (1) identify potential targets of attack in the district; (2) plan for contingencies; and (3) spot seemingly innocuous items and expeditiously report suspicious activities to the intelligence community. The IS filters material from numerous intelligence bulletins and alerts for distribution to the appropriate local agencies. An informal network of Intelligence Specialists exists between all 94 U.S. Attorney's districts permitting each to quickly draw on the experience of others.



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# OPDAT

The Department of Justice maintains liaison with countries around the globe to combat a range of criminal activities including international terrorism, international organized crime, human trafficking and money laundering. These crimes are international in essence or can be conducted routinely without regard for national boundaries. DOJ's international activities fall into two categories: 1) establishing and utilizing mutual legal assistance protocols to obtain evidence for cases being prosecuted in the United States, and 2) promoting the Rule of Law by assisting prosecutors and judges in other countries develop and sustain effective criminal justice institutions.

DOJ's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) handles the Rule of Law mission by providing technical assistance and capacity-building programs to partner countries. OPDAT programs are staffed by current Assistant U.S. Attorneys who serve temporary details in Latin America, Eastern Europe, Central Asia, Southeast Asia and the Middle East. The District of New Hampshire has a proud tradition of supporting OPDAT programs in Russia, Moldova, Iraq and other countries in Latin America and the Middle East. In June 2008, AUSA Mike Gunnison completed an assignment in the United Arab Emirates. While stationed at Embassy Abu Dhabi, Mike worked in UAE, Jordan, Kuwait, Oman, Qatar and Saudi Arabia. His assignment focused on developing effective anti-money laundering and counterterrorism financing regimes in those countries.



AUSA Michael Gunnison and Dr. Mohamed Al Kamali, Director of the UAE Institute of Training and Judicial Studies, presenting certificates to UAE prosecutors at the conclusion of OPDAT's "Prosecuting Financial Crimes Seminar", December, 2007



OPDAT's programs for prosecutors and judges in UAE place special emphasis on the challenges facing local institutions engaged in combating money laundering, international organized crime, terrorist financing and WMD proliferation.



Working with the State Departments' Export Control and Related Border Security Program, Resident Legal Advisor Mike Gunnison organized Export Control and Counter Proliferation Workshops at the Dubai Judicial Institute and the Sharjah Police Academy. Shown here is the team of workshop facilitators at a meeting with UAE Minister of Justice H.E. Mohammed Bin Nebhaira Al Dhaheri at the Jumeirah Beach Hotel on June 2, 2008.



In 2006, H.E. Ali bin Fetais Al-Marri, Attorney General of the State of Qatar, and former U.S. Attorney General Alberto Gonzales agreed it would be beneficial to initiate a prosecutor exchange program to enhance mutual understanding and judicial cooperation between the United States and Qatar. In June, 2007, UAE Resident Legal Advisor Mike Gunnison implemented the program by organizing a 2-week study tour for Qatar prosecutors beginning November 24, 2007. The delegation, led by First Deputy Prosecutor Abdulla Mohamed Al Malki, participated in meetings, visits and other program activities designed to present an overview of the U.S. judicial system. The program included extensive briefings at the U.S. Department of Justice, the Federal Judicial Center and the U.S. Supreme Court. It also included visits to three U.S. District Courts and the New Hampshire State Supreme Court. The delegates attended a full seminar on money laundering and financial crimes at the National Advocacy Center in South Carolina, and participated in forums with prosecutors, defense attorneys and practitioners at the U.S. Attorney's Offices in Massachusetts and New Hampshire, and Franklin Pierce Law School. The United States sent a reciprocal delegation to Qatar in 2008, and plans are underway to host another Qatar delegation in the United States in February 2009.





# QATAR DELEGATION TRIP

A delegation representing the U.S. Department of Justice made a reciprocal visit to Qatar in May 2008. The delegation included AUSAs Mike Gunnison and Terry Ollila of the District of New Hampshire, Deputy Chief Bill Stapleton of the DOJ Criminal Division Fraud Section, AUSA Jafer Aftab of the District of New Jersey and AUSA Brian Frazier of the Southern District of Florida. During the week-long program the U.S. delegation met with Solicitor General Masoud Al Ameri and Judge Mubarak bin Khalifa Al-Usairi, President of Qatar's Supreme Court and the High Judicial Council. The delegation attended lectures on the Qatar legal system, including segments on computer crimes and intellectual property rights. The Qatar Public Prosecution provided a detailed overview of Qatar's criminal justice system, and the delegation also visited Qatar's largest correctional institution. The U.S. prosecutors visited the Ministry of Interior, participated in meetings on money laundering with H.E. Sheikh Fahad bin Faisal Al Thani, Deputy Director of the Qatar Central Bank and Chairman of the National Committee on Combating Money Laundering and Terrorism. An additional program focusing on money laundering was held at the Legal and Regulatory Compliance Division of the Qatar Financial Centre Regulatory Authority. Among other program activities the delegation visited the Qatar Foundation Education City campuses, the headquarters and newsrooms at Al Jazeera and Al Jazeera English, and a session of the annual Conference on Inter-Faith Dialogue.





# ATAC/LECC MEETINGS

Since its formation in 2001, the ATAC/LECC has become an important resource for the state, local and federal agencies responsible for the safety of our citizens and the security of our infrastructure. By bringing together leaders dedicated to defeating terrorism, the ATAC/LECC helps to facilitate coordination, planning and training, and promotes communication among officials who command unique resources but share a common mission.

Thanks to the hospitality of friends at the Police Standards and Training Academy, the New Hampshire Fire Academy and the New Boston Air Force Station, the ATAC/LECC holds six meetings each year in a number of different venues.

Each meeting provides an opportunity for members to report on the status and progress of anti-terrorism initiatives, upcoming exercises and training opportunities, and to receive up-to-date information on a host of other issues. Over the past year, ATAC/LECC members also received briefings on subjects including:

## **October 2007 -**

- New Hampshire Intelligence Sharing and Fusion Center
- Tour of DHS Emergency Management Facility

## **December 2007 -**

- FinCEN efforts regarding counter terrorism financing

## **February 2008 -**

- FBI Counterterrorism Section and National Counterterrorism Center
- State Department's Visa Passport Analysis Unit and their role as law enforcement partner in the Global War on Terrorism

## **April 2008 -**

- National Partnership Branch of the National Counterterrorism Center—Washington DC

- TSA presented their Transportation Worker Identification Credential prototype
- Preview of the U.S. Coast Guard's Frontier Sentinel Exercise

## **June 2008 -**

- Presentation by the NH National Guard on missions home and overseas
- Presentation by Defense Intelligence Agency on missions

## **August 2008-**

- Presentation by Law Enforcement and Special Investigations Unit of the U.S. Forest Service Northeast Zone and their domestic terrorism investigations conducted with FBI
- Nuclear Security as it relates to law enforcement presented by Seabrook Station

## ATAC/LECC MEETINGS—Photos



February 20, 2008 ATAC Meeting - Visa Passport Center, Newington, NH—In appreciation for his many years of support to the Department of State's Diplomatic Security's Criminal Investigative Program, U.S. Attorney Colantuono is presented with a plaque by Special Agent Bobby Gouise and Chris Schurman, the Director of Diplomatic Service's Domestic Operations, Criminal Investigations and Counter Intelligence.

Seabrook Station was the location of the NH ATAC/LECC meeting held on August 8, 2008. Seabrook Station's Dave Barr of Communications and Security Manager Jim Tucker presented an overview of plant operations and nuclear security. Their presentation was followed by a briefing on domestic terrorism investigations conducted by the U.S. Forestry Service Special Investigations Unit.

Pictured in front of the Science and Nature Center left to right is Seabrook Chief of Police Patrick Manthorn, Emergency Preparedness Manager David Currier, US Attorney Colantuono, Jim Tucker and Dave Barr.



FBI's John Mulvaney and NHSP Dave Cargill co-hosted the Joint FBI-JTTF Intelligence Sharing in Support of Terrorism training held at the New Hampshire Fire Academy on September 10, 2008

# LECC

The District's Law Enforcement Coordination Committee is led by Law Enforcement Coordinator (LEC) Mark Long. Mark is an active member of the Rockingham County Law Enforcement Association, New Hampshire Association of Chiefs of Police, New Hampshire Police Officers Association and a member of the National Law Enforcement and Correction Technology Center, Northeast.

Mark serves as the United States Attorney's representative in a number of different law enforcement groups, initiatives and training events.



## LECC TRAININGS

### Weed and Seed Annual Meeting and Award Ceremony

On November 15, 2007, Manchester's Weed and Seed hosted its first annual city wide meeting and award ceremony at the Radisson Hotel. Dr. George L. Kelling, author of "Fixing Broken Windows" addressed a large audience of city officials, community partners, law enforcement officials and residents. Dr. Kelling spoke on the power of collaboration in crime prevention; how citizens, business owners and police working together can ensure the safety of their communities.



### Project Safe Neighborhoods Training

On April 29, 2008, the U.S. Attorney's Office partnered with the American Probation and Parole Association to host a one day training session on "Effective Project Safe Neighborhoods and Probation Partners in Gang Intervention and Prosecution Training" at the Best Western Executive Inn and Conference Center in Manchester. Over 80 people attended including the U.S. Probation Office, New Hampshire Department of Corrections, Division of Field Services and New Hampshire Department of Health and Human Services, Division of Juvenile Justices Services, Juvenile Probation and Parole officers. The training focused on the role probation and parole officers can have on Project Safe Neighborhoods when working with and assisting other law enforcement and corrections agencies in our anti-gang strategy, offended notification meetings and other aspects of our prisoner reentry program.





## LECC TRAININGS (Cont.)

### Project Safe Neighborhoods—Milford Gang Forum



On Thursday evening, May 22, 2008, U.S. Attorney Tom Colantuono and members of our office attended a forum on gangs at the Milford Middle School. The forum was organized by Milford Police Chief Fred Douglas to address community concerns on a growing gang problem. Over two hundred residents listened as U.S. Attorney Colantuono discussed the issue of gangs in New Hampshire and the efforts being taken to combat this growing problem. Attorney Colantuono told the audience of our New Hampshire Project Safe Neighborhoods Operation G.R.I.P., Anti-Gang statewide strategy. Other speakers included Hillsborough County Attorney Margaret Wageling and other law enforcement officials working cooperatively to prevent the growth of gangs within New Hampshire.

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### Firearms Investigations

Over one hundred New Hampshire police officers attended a training session on firearms investigations at Pease New Hampshire Air National Guard Base in Newington. The U.S. Attorney's Office working with our local Bureau of Alcohol, Tobacco, Firearms and Explosives office were able to bring a Washington, DC based ATF training team to New Hampshire. The course provided training to state troopers, sheriff deputies and local officers on the characteristics of armed persons, firearms identification, firearms tracing and investigative tools and information of where crime guns come from.



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### Law Enforcement Intelligence Training

The U.S. Attorney's Office supported a one day training session on "Intelligence Led Policing" at the Radisson Hotel in Nashua. The School of Criminal Justice at Michigan State University provided the instructors for this training that was held July 30 through August 1, 2008. Thirty-four police officers attended the training including officers from Massachusetts, Vermont, Connecticut and New Hampshire. The seminar discussed the need to develop a mission, objectives and management infrastructure to support department intelligence led policing programs.



## **ID THEFT: WHO'S GOT YOUR NUMBER CONFERENCE**

### **Jackson, NH—August 26, 2008**



L to R— AUSA Al Rubega, Jonathan Rusch, Special Counsel for Fraud Prevention, Fraud Section, Criminal Division at the U.S. Department of Justice—Washington DC and John K. Webb, Criminal Chief, U.S. Attorney's Office, middle district of Nashville, Tennessee



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## **MONEY LAUNDERING AND SUSPICIOUS ACTIVITY REPORTING SEMINAR**

On September 5, 2008, the U. S. Attorney's Office for the District of New Hampshire sponsored a conference on Money Laundering and Suspicious Activity Reporting. Attending were representatives from 19 different financial services and banking companies and 12 law enforcement agencies. Members of Immigration and Customs Enforcement, Internal Revenue Service, the Department of Health and Human Services and the New Hampshire Office of the Attorney General also participated. In all, over 80 people enjoyed this event.

Opening remarks were delivered by U.S. Attorney Colantuono. AUSAs Robert J. Rabuck, Seth R. Aframe and William E. Morse and Civil Chief Gretchen Leah Witt delivered presentations. Topics discussed were in-depth case studies, structuring and money laundering prosecutions, legal considerations for suspicious activity reporting and an overview of the New Hampshire Suspicious Activity Reporting Working Group. Panel discussions also allowed for a question and comment period.



## WEED-N-SEED

The United States Attorney's Office for the District of New Hampshire has continued its involvement and partnership with Manchester's Weed and Seed site. The success of the program was confirmed as the site was approved for a second year of Graduated Site Status by the U.S. Department of Justice Community Capacity Development Office (CCDO). Graduated Site Status is granted to a site in good standing when its Official Recognition (OR) has expired.

The year started with a great event celebrating community connections and conversations with Dr. George Kelling, co-author of *"Broken Windows: Restoring Order and Reducing Crime in Our Communities."* Dr. Kelling's presentation focused on his theories of community rejuvenation as it relates to crime prevention and the success that Manchester has had in implementing similar concepts. The event was well attended by many partners from law enforcement as well as service providers and local residents.

The past year has been a busy one with new funding from the City Improvement Program (CIP), allowing the strategy to expand to the city's west side.

Girls, Inc. was named as a new Safe Haven for the west side, increasing the number Safe Havens to four. This facility has opened its doors for meetings, trainings and watch group events on the west side of the city.



**September 18, 2008**

Operation Drugs and Guns arrested 18 individuals on federal and state criminal charges. The approximate total street value of all the drugs seized was \$255,000. Also seized during this operation were 11 firearms and \$128,000 in U.S. currency. The investigation was conducted by members of the FBI's Safe Streets Gang Task Force, members of the Special Investigations Unit of the Manchester Police Department, and members of the Narcotics Investigations Unit of the New Hampshire State Police. Assisting in these investigations were members of the New Hampshire Department of Corrections Division of Field Services, the New Hampshire Attorney General's Drug Task Force, DEA, New England H.I.D.T.A., BATF, the U.S. Marshals Service, Hillsborough County Sheriff's Office, Strafford County Sheriff's Office and the Hillsborough County Attorney's Office. Pictured left to right: Deputy Criminal Chief Bob Veiga, Manchester Mayor Frank Guinta, Manchester Police Chief Dave Mara, Hillsborough County Sheriff Jim Hardy and Hillsborough County Attorney Marguerite Wageling.



## WEED-N-SEED (Cont.)

The weeding strategy has experienced some very exciting changes. The Manchester Police Department has implemented a new organizational structure under recently appointed Chief David Mara. This change created a Division for Community Policing, bringing many new directives. Under the new Community Policing Division, there will be 2 officers for the 5 different sections of the city, providing direct support for neighborhood businesses and watch groups. There are now more than 45 active watch groups throughout the city.

Participants in the seeding strategy were also very active this past year. Manchester Community Resource Center (MCRC) again participated in the Volunteer Income Tax Assistance (VITA) program. Twenty MCRC volunteers assisted 739 inner city residents in filing their tax returns, bringing a large amount of unclaimed resources back to the community. The Neighborhood Restoration committee worked fervently on the Maple Street walk path, cleaning and brightening up the area with flower gardens, a donated bench and a colorful mural for the Salvation Army building. The Prevention Intervention and Treatment (PIT) group is continuing to focus on Teen Night, an event located at the Salvation Army which, each week, provides a fun, safe, social event for hundreds of inner city youths. The program operates throughout the school year and is staffed by youth councilors from partnering agencies. One focus of the PIT committee is developing a cost benefit analysis of teen night and its impact on juvenile delinquency prevention.

The year culminated in the combined Block Party/ National Night Out on August 2<sup>nd</sup>. Despite the rain, this event saw over 1,000 city participants sharing resources, celebrating police and community collaborations and encouraging others to join forces. It was a great event, celebrating all that has been accomplished over the past year.



# PROJECT SAFE NEIGHBORHOODS



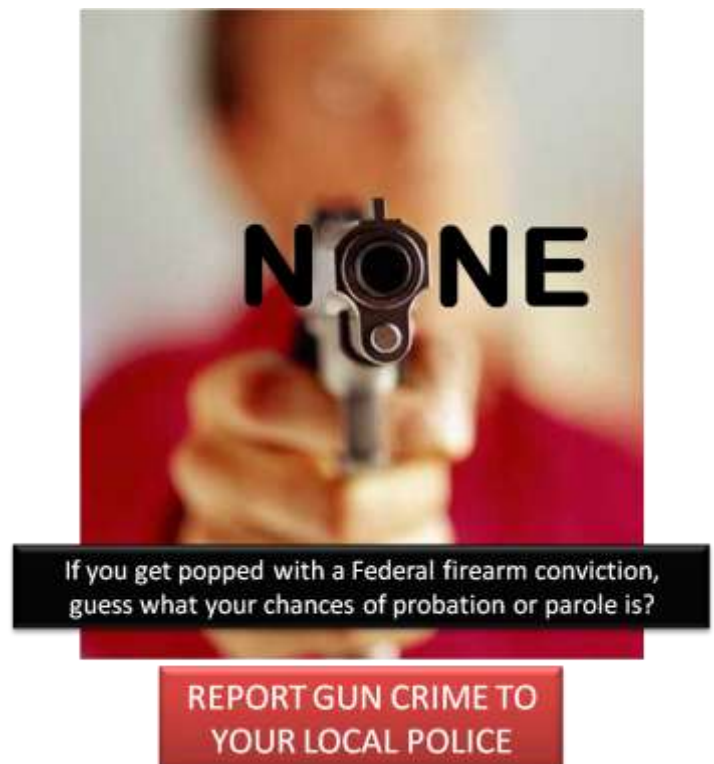
On January 1, 2008, U.S. Attorney Thomas Colantuono appointed AUSA Deb Walsh as Project Safe Neighborhoods Coordinator and Anti-Gang Coordinator.

Some of the pro-active measures our district has taken are outlined below:

On October 19, 2007, the Hillsborough County Attorney, an active PSN Task Force member, implemented a Re-entry Project to effectuate successful re-entry into Manchester for select adult felons in order to prevent recidivism and ensure public safety by instituting a model of community justice that balances the strength based habilitation of participants with restoration to victims and protection of public safety through a collaborative approach. The program office is housed within the NH Employment Security's Manchester office. The program is headed by Director Ellie Therrien and Assistant Director Richard O'Leary. To date, the program has received 75 referrals.

On May 22, 2008, the New Hampshire Department of Education, in partnership with the New Hampshire United States Attorney's Office, distributed to all middle school administrators and principals, letters with a DVD entitled "Target: New Hampshire" and its related teacher's guide. This DVD is an important and useful teaching tool for middle school students to learn how to avoid gun violence. It was produced by our PSN Media Partner, Eastlantic Advertising of Manchester, through a grant provided by the U.S. Department of Justice's Project Safe Neighborhoods program. The DVD portrays a lively group discussion using middle school students from Laconia, Manchester, and Nashua, facilitated by an eighth grade history teacher from Roxbury, Massachusetts. It is a fascinating discussion about guns, violence, gangs, bullying, cliques, and other similar topics of concern to this age group. This DVD is about 40 minutes long, and it is broken up into 8 parts so that teachers can either play it all at once or present it in segments. The accompanying teacher's guide is designed to facilitate class discussions and to help fit the topics into lesson plans. The DVD can also be used by consumer groups and parent organizations. It is a resource for Guidance and Advisory classes, but it can also be incorporated into other curriculums, like English and Social Studies. The video has already been recognized for its excellence by regional media. The DVD was such a success at the Pennichuck Middle School in Nashua that seventh and eighth graders created presentations based on the DVD which they presented to sixth graders during a one day work shop entitled "Project X: X Treme Choices."

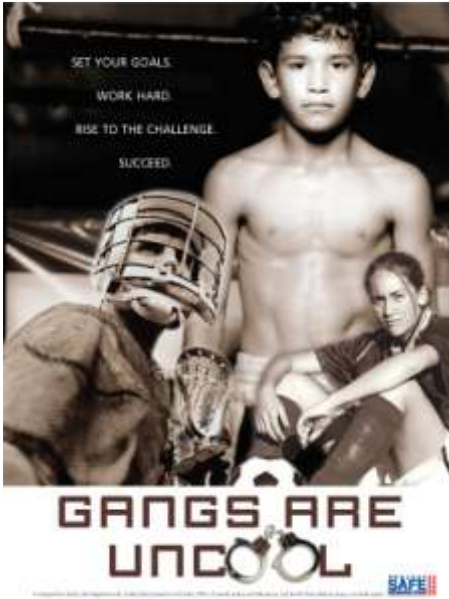
In addition, Eastlantic produced two anti-gang posters, one for elementary school students and the other for middle school students.





## ANTI-GANG

In response to perceived expanding gang activity and violence, the United States Attorney requested that an FBI led Safe Streets Task Force be authorized for Manchester, our largest urban area. On January 1, 2008, the New Hampshire Safe Streets Gang Task Force was formally designated by the Department of Justice. The Task Force includes representatives from the Federal Bureau of Investigation and Manchester Police Department's Special Investigations Unit. With support from New Hampshire State Police, New Hampshire Department of Corrections, and Concord, Dover, and Nashua Police Departments, the Task Force focused on identifying and actively investigating gangs that were impacting the quality of life for the residents of Manchester and other southern New Hampshire communities.



Initial efforts have led to the arrest of 36 individuals who have ties to multiple street gangs including **Latin Gangster Disciples**, **Bloods**, **Neta**, **Dirty Cash Villians**, and **Brothers of White Warriors**. The offenders have been charged with a variety of federal and state offenses including the sale of illegal drugs, gun trafficking, violent home invasions, burglaries and robberies. Through the course of the investigations, approximately \$75,000 has been seized and 15 guns were recovered. In addition, a total of approximately \$75,000 in drugs were recovered including, one half kilogram of crack cocaine, one half kilogram of cocaine, and a significant amount of heroin, marijuana and prescription pills.

The following individuals were arrested on March 11, 2008 by the Federal Bureau of Investigation's Safe Streets Gang Task Force working in conjunction with the Manchester Police Department and the New Hampshire State Police: **Enrique Rosario**—charged with conspiracy to distribute cocaine and crack cocaine and distribution of cocaine and crack cocaine in excess of 50 grams; **Victor Caceres**—charged with conspiracy to distribute cocaine and crack cocaine and distribution of cocaine and crack cocaine in excess of 50 grams; **Louis Pierre**—charged with distribution of cocaine; **David Garcia**—charged with distribution of cocaine and heroin; **Willie Player**—charged with distribution of cocaine and heroin; and **Nicole Gennell**—charged with distribution of cocaine.



3/14/08 Safe Streets Task Force press conference in Manchester, New Hampshire

## PROJECT SAFE NEIGHBORHOODS TRAININGS

On **May 15-16, 2008**, AUSA Clyde Garrigan presented a workshop of Federal Firearms Laws and Domestic Violence at The Fourteenth Statewide Conference on Domestic and Sexual Violence and Stalking sponsored by the Governor's Commission on Domestic and Sexual Violence and the New Hampshire Attorney General's Office. The workshop presented a detailed exposition of federal firearms laws as they relate to domestic violence issues; a description of laws addressing the use of false information to attempt to obtain a firearm; an overview of PSN, and how PSN resources are being employed in the state to address these issues. Approximately 375 people attended the conference.

On **July 15, 2008**, our PSN team partnered with the Bureau of Alcohol, Tobacco, Firearms & Explosives to present a one day training to local and state law enforcement on firearms investigations. This training included the identification of characteristics displayed by armed persons, firearm identification, firearm tracing and investigative tools, federal firearm laws and an overview of firearms trafficking. Approximately 80 people attended the training.



LEC Mark Long Addresses training attendants



PSN Guest Mark E. Kraft from DC

On **August 25-28, 2008**, our PSN Coordinator Deb Walsh and LECC Mark Long, attended the National PSN Coordinators Conference in Columbia, South Carolina. The training focused on the good work done under the PSN Program and potential methods of institutionalizing such work.

A representative from the Bureau of Justice Assistance in Washington DC applauded our PSN program and plans to make our district the model program for other states.



# PROJECT SAFE NEIGHBORHOODS AGGRESSIVE PROSECUTIONS

The United States Attorney's Office has aggressively sought out and prosecuted cases involving guns and gun violence, such as:

**State v. Damien K. Young**—On Tuesday, February 5, 2008, **Young**, age 23, of Manchester was found guilty, after a five day jury trial in Hillsborough County Superior Court North, of Attempted Murder, Two Counts of First Degree Assault, and Felon in Possession, for crimes committed on March 11, 2006, on Amory Street in Manchester. **Young** was sentenced to a cumulative sentence of sixty-three years to life imprisonment.

At trial, the evidence proved that on March 11, 2006 at 2:09 A.M., the police responded to a double shooting at the Dominos Pizza parking lot on Amory Street in Manchester. On arrival, the police observed a Mercedes Benz parked in the middle of the road. The driver had received a gunshot wound to his spinal cord and could not move from the driver's seat. The back seat passenger was lying on the ground next to the vehicle and was bleeding profusely from multiple gunshot wounds. After a very thorough investigation by the Manchester Police Department and the State Forensic Laboratory, it was determined that the car was struck by ten bullets and that two firearms had been used. After the shooting, the shooters disposed of the firearms. After completing their investigation, the police identified the two shooters as **Damien K. Young** and **Ian Maranda**, both from Manchester. In December of 2006, **Ian Maranda** was found guilty of Attempted Murder, First Degree Assault, Falsifying Physical Evidence, and Felon in Possession and is currently serving a state prison sentence of 47 years to life imprisonment. These cases were prosecuted by PSN Coordinator, Deb Walsh.

**U.S. v. Delaurier**— On Friday, January 11, 2008, a jury found **Delaurier**, 42, of Antrim, New Hampshire, guilty of making a false statement during the attempted acquisition of a firearm. **Delaurier** was sentenced to 46 months in federal prison and three years of supervised release after the completion of his sentence. At trial, the evidence proved that on November 29, 2006, **Delaurier** attempted to purchase a handgun from Place in the Woods, a federally licensed firearms dealer. Prior to purchasing the handgun, **Delaurier** was required to fill out ATF Form 4473 which asks a series of questions to determine if someone can legally purchase a gun. On the form, **Delaurier** falsely denied that he had been previously convicted of a felony. He had in fact been convicted of a misdemeanor crime of domestic violence. A person convicted of a felony or a misdemeanor crime of domestic violence is prohibited from purchasing a handgun.





## PROJECT SAFE NEIGHBORHOODS (Cont.)

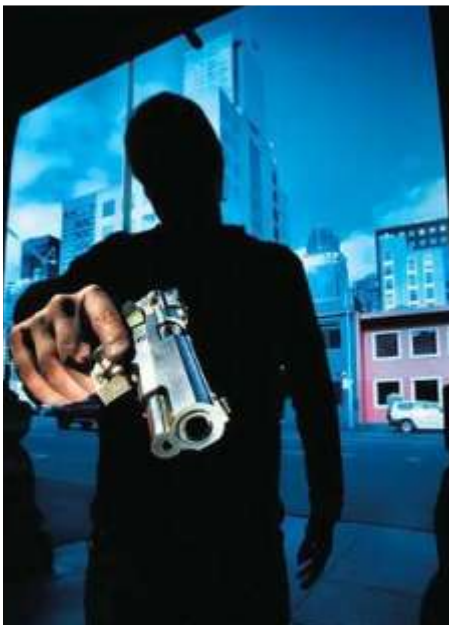
**United States v. Despres & United States v. Rawnsley et al**—**Phillip Rawnsley, Justin Reynolds** and **Michele Despres** conspired to commit four armed robberies of various commercial businesses [Marriott Hotel, Subway Restaurant, Union Street Market, and Clam King Restaurant]. It is alleged that these defendants successfully committed three robberies. It is further alleged that in the attempt to commit the fourth robbery, all three defendants were caught in the act and arrested. Each of the defendants has been charged with at least one Hobbs Act violation as well as using a firearm during a crime of violence, pursuant to section 924(c). Two of the defendants have multiple charges of each of these offenses. **Michelle Despres** recently pled guilty to a series of charges and is awaiting sentencing. The two remaining defendants are currently scheduled for trial.



In addition, the United States Attorney's Office has aggressively sought out and prosecuted cases against gangs and gang members. Some of the current prosecutions include:

**United States v. Raymond Cole, United States v. Roy Warren, United States v. Joshua Benoit, and United States v. Garrett Morin**

The defendants were charged in a 7 count indictment on April 23, 2008, with engaging in a conspiracy to distribute, and possess w/ intent to distribute, cocaine, oxycodone and klonopin, in violation of Title 21, United States Code, Section 841(a)(1) and 846. The indictment also charged co-conspirators **Raymond Cole** and **Roy Warren** with engaging in a conspiracy to interfere with commerce through robbery, in violation of Title 18, United States Code, Section 1951, and engaging in a conspiracy to possess a firearm during and in relation to a crime of violence, in violation of Title 18, United States Code, Sections 371 and 924(c).



Defendants **Cole** and **Warren** are active members of the Brothers of White Warriors ("BOWW"), a prison gang which is known among correctional authorities as responsible for the running and distribution of contraband within the New Hampshire Prison system. After being released from prison, **Cole** and **Warren** allegedly worked together with co-conspirators to distribute cocaine in and around Concord, New Hampshire. The group, headed by **Cole**, also allegedly engaged in home invasions of cocaine and prescription medication distribution competitors. For example, on June 26, 2007, the group, armed with a handgun, robbed a cocaine dealer while the dealer was located at an area hotel. On June 29, 2007, the group allegedly conducted a home invasion in Concord, New Hampshire, of a young man who was in the business of unlawfully distributing prescription medications. On July 23, 2007, the group allegedly engaged in a home invasion of a cocaine dealer located in Concord, New Hampshire.



**United States v. Derwin Cain**—**Derwin Cain** was charged in 4 count indictment with the distribution of cocaine and cocaine base (“crack”), in violation of Title 21, United States Code, Section 841 (a)(1). Cain, who has 2 prior drug-related convictions and a conviction for assault and battery, was from the Boston, Massachusetts, area and was known by law enforcement to have strong gang ties.

**United States v. Danielle Rhodes, United States v. Enrique Rosario, United States v. Elvis Delarosa, United States v. Victor Caceres**—The defendants were charged in an 11 count indictment charging them with engaging in a conspiracy to distribute, and possess with intent to distribute, cocaine and cocaine base (“crack”), in violation of Title 21, United States Code, Sections 841(a)(1) and 846. Defendants **Enrique Rosario** and **Elvis Delarosa** were alleged to be known members of the Bloods Gang operating in Lawrence, Massachusetts, and were involved in the distribution of significant amounts of cocaine.

**United States v. Charles Nelson, United States v. Tyree Everson, United States v. Francisco Alfaro, United States v. Michelle Tillman, United States v. Gillian Barrett, United States v. Christian Rolon Vargas**—The defendants were charged in a 4 count indictment charging conspiracy to distribute more than 5 grams of cocaine base (“crack”), distribution of cocaine, distribution of cocaine base (“crack”) and aiding and abetting the distribution of cocaine base (“crack”), in violation of Title 18, United States Code, Section 2 and Title 21, United States Code, Sections 841(a)(1) and 846. It is alleged that defendants **Alfaro** and **Nelson** traveled to New York City on a weekly basis to obtain ounce quantities of cocaine base (“crack”), whereupon they returned to New Hampshire and sold the cocaine base (“crack”) in \$50 “rock” increments. Defendant **Vargas** is alleged to be the source of the cocaine and cocaine base (“crack”). Defendants **Tillman** and **Barrett** engaged in the distribution of the drugs once they reached New Hampshire. Defendants **Nelson, Alfaro, Everson** and **Vargas** are alleged to be members of the “Bloods” street gang in New York.

Past prosecutions include members of the **Hells Angels** and **Iron Eagles** for Methamphetamine trafficking (**United States v. Pascuiti**); the dismantling of a white supremacist motorcycle gang (**The KKK MC**) (**United States v. Coyne et al.**), a chop shop operated by the **Devils Disciples/Outlaws** (**United States v. Sordillo**), home invasions and credit card fraud by Asian gangs (**Operation Mongoose**), and a Nashua-based gang which trafficked crack cocaine (**The FAM**).

Additionally, the low crime rate and small size of New Hampshire has allowed this office to pursue individual gang members on other types of charges: failure to file tax returns by the president of the **HAMC Nomads** (**United States v. Shaughnessy**); felon in possession of a firearm by an **HAMC** prospect during the World Run (**United States v. Braid**); felon in possession of a firearm by a **Hells Angels** member (**United States v. Dodge**); drug user in possession of a firearm by an **Outlaws** (**United States v. Nowoselski**).



## PROJECT SAFE NEIGHBORHOODS (Cont.)

**Timothy Seeley** was sentenced on October 29, 2007 on one count of being an Unlawful User in Possession of Firearms and one count of Making a False Statement during the Acquisition of Firearms. **Seeley** was sentenced to a term of imprisonment of 24 months. Upon his release, Seeley will be placed on supervised release for three years. An investigation revealed that Seeley had purchased multiple firearms while being a user of controlled substances, and that during each acquisition of those firearms, **Seeley** denied being a user of a controlled substance. Under federal law, illegal drug users are prohibited from possessing firearms.

**Pablo Rodriguez** was sentenced on October 29, 2007 to 57 months imprisonment followed by three years of supervised release for the illegal possession of a firearm. **Rodriguez** pled guilty in July 2007 to one count of illegal possession of a firearm by a person who had been previously convicted of a felony.

**Benjamin Hugron** pled guilty on October 31, 2007 to committing a robbery of the Citizens Bank in Penacook and a robbery of the Brooks Pharmacy in Concord.

**Joel Ramsey** was sentenced on October 31, 2007 to 151 months in federal prison after pleading guilty to committing the April 11, 2007 robbery of the Wendy's Old Fashioned Hamburgers restaurant located on Loudon Road in Concord. **Ramsey** was also sentenced to three years of supervised release which will begin after he leaves prison.

**Stanley Young** was sentenced on November 1, 2007 to 63 months in federal prison for robbing the Wendy's Restaurant on Loudon Road in Concord on April 11, 2007. **Young** was also sentenced to serve three years of supervised release after he leaves prison.



PSN INVESTIGATOR JOHN TUTHILL AND PSN SPECIAL AUSA KEN PERKES



**Walter Nichols** pled guilty on November 19, 2007 to one count of illegal possession of a firearm by a convicted felon. **Nichols** had been previously convicted of possession of a narcotic drug in the Hillsborough County Superior Court in 1993. Under federal law, he was therefore prohibited from possessing the three firearms which he admitted owning in October, 2006.

**Ricardy “Ricky” Roseaux** was sentenced on November 20, 2007 to one year and one day in prison and three years supervised release for his conviction for conspiracy to engage in the unlawful purchases of firearms last year. The indictment returned by the grand jury in January 2007 had charged that **Roseaux**, along with four other people, had assisted another person in lying on forms used to purchase firearms on two different occasions, and in so doing acquired four firearms.

**Anthony Capobianco** pled guilty on December 5, 2007 to charges alleging that he attempted to purchase a firearm while being a felon and that he fraudulently used a social security number not assigned to him by the Social Security

Administration. **Capobianco** completed an ATF Form 4473 on which he falsely stated that he had never been convicted of a crime punishable by more than one year in prison and on which he falsely listed a social security number assigned to another person.

**Douglas Heath** was sentenced on December 29, 2007 to 38 months in prison followed by three years supervised release. Heath pled guilty in September of that year to possession with intent to distribute a controlled substance and illegal possession of a firearm. During the course of a search, three firearms and cocaine and cocaine base, “crack” were discovered. Heath had been previously convicted on felony drug charges and therefore is prohibited under federal law from possessing a firearm.

**Kevin Lavalliere** was sentenced on December 19, 2007 to 17 ½ years imprisonment followed by five years of supervised release on trafficking and weapon possession convictions. On July 21, 2006, **Lavalliere**, a previously convicted felon, pled guilty to a two-count information charging him with distribution of cocaine and possession of a firearm in furtherance of drug trafficking.

**Eric L. Savage** pled guilty on February 1, 2008 to receiving a stolen firearm. The defendant was arrested in Manchester on August 21, 2006 when Probation and Parole officers found a loaded Glock .40 pistol in the defendant’s apartment. That pistol had been stolen during a burglary of a gun store in Newport, NH, on August 6, 2006.

**Donald Wonders** was sentenced on March 11, 2008 on two counts of Possession of Unregistered Firearms, one count of Manufacturing Unregistered Firearms and one count of Possession of Unregistered Firearms without Serial Numbers. Wonders was sentenced to a term of imprisonment of 20 months. Upon his release, **Wonders** will be placed on supervised release for three years.

**Corey Gagnon** was indicted by a federal grand jury and charged with possession of stolen firearm ammunition and interstate transportation of stolen ammunition. The two count indictment



## PROJECT SAFE NEIGHBORHOODS (Cont.)

charges that in 2007, **Gagnon** stole ammunition from a firearms dealer in Belmont, New Hampshire and took it to Turner, Maine, where he sold it to another dealer. **Gagnon** appeared on March 17, 2008 and was released on conditions of bail pending trial.

**Juan Aldea** was sentenced on April 11, 2008 to 21 months prison and three years of supervised release for purchasing firearms under a false identity. **Aldea** had previously pled guilty to a two count indictment charging him with purchasing firearms from a licensed firearms dealer in New Hampshire while using a false identity.

**Ross A. King** was sentenced June 17, 2008 to serve 18 months in prison for possessing a stolen firearm. In addition to the prison sentence, the defendant was ordered to serve three years of supervised release upon completion of his term of imprisonment. **King** had pled guilty to the charge on March 20, 2008.

**Steven Delaurier** was sentenced to on June 18, 2008 to 46 months in federal prison followed by three years supervised release after having been found guilty by a jury of making a false statement during the acquisition of a firearm.

**James Lindbloom** pled guilty on June 23, 2008 to theft of firearms from a federal firearms dealer. The defendant admitted to being involved in the burglary of the Stoneagle Gun Shop in Newport on August 6, 2006. Fourteen pistols were stolen.

**Christopher Robinson** was sentenced on July 31, 2008 to ten years imprisonment for his conviction of possession of a firearm by a convicted felon. The indictment had charged that on February 27, 2007, **Robinson** possessed a firearm and threatened another Manchester man with it. **Robinson** had previously been convicted of other felony offenses in state court, each of which carried a possible sentence of more than one year's imprisonment. After he completes his

prison sentence, Robinson will serve a two year period of supervised release.

**Alan G. Garceau** was sentenced on September 9, 2008 to 40 months in prison and three years of upervised release for being a convicted felon in possession of a firearm. **Garceau** was arrested by the Manchester Police Department and found to have a .380 semi-automatic pistol in his coat pocket. The defendant had been convicted in 1996 of a felony auto theft charge in California.

**Vincent E. Chaney** pled guilty on September 17, 2008 today to being a felon in possession of ammunition and simple possession of cocaine base. **Chaney** was apprehended at a Manchester hotel on November 30, 2005, after law enforcement found bullets in his coat pocket and crack cocaine in his pants pocket. **Chaney** was prohibited by law from possessing ammunition because he previously had been convicted of a felony.

**Dana Ragonese** was sentenced on September 26, 2008 to 24 months in prison based upon his earlier guilty plea to being a convicted felon in possession of a firearm. On April 27, 2006, **Ragonese** possessed three .25 caliber pistols. **Ragonese** was prohibited by law from possessing those pistols or any other firearms and ammunition because he was, at the time, a convicted felon. In addition to the twenty four months of imprisonment, **Ragonese** was also ordered to serve three years of supervised release upon completing that prison term.

**Jeffrey Lance Brown** was sentenced on October 1, 2008 to serve three years in federal prison followed by three years of supervised release for being a convicted felon in possession of a firearm. The prosecution resulted from an incident on November 9, 2006, when Epping Police discovered the defendant in possession of a shotgun while hunting. **Brown** had been convicted in 1991 of bank robbery in Oklahoma and thus prohibited him from possessing firearms under federal law.

# IDENTITY CRIMES WORKING GROUP



Since its creation in March of 2003, the Identity Crimes Working Group has generated a steady series of successful felony prosecutions involving identity crimes of various types, often in conjunction with other mail, wire or credit card fraud charges. Regular participants currently represent approximately 40 different Federal, State, and local agencies.

In addition to harming victims in ways that cannot be measured merely in terms of the dollar amount involved in the credit card or other frauds that so often accompany this form of crime, identity fraud is among the crimes that may constitute preparation for terrorism, or that may be conducted for the purpose of financing terrorism.

While Identity Crime by its very nature is usually complex and multi-jurisdictional, cases brought before the Working Group tend to move to a successful resolution quickly due to the combined talents and specialized abilities of the wide array of agencies participating.

The work of the District of New Hampshire in this important area continues to be recognized nationwide as well. As a result of input provided by the Identity Crimes Working Group to the President's National Task Force on Identity Theft, Assistant U.S. Attorney Alfred

Rubega was requested to participate in the Criminal Law Enforcement Subgroup of the President's Task Force, and to again serve as an instructor for the third training seminar on Identity Theft at the National Advocacy Center. These seminars have now been attended by a total of over two hundred and fifty other Assistant U.S. Attorneys and Federal Agents, substantially assisting the coordinated nationwide federal effort to aggressively interdict and prosecute of all types of identity crimes. Additionally, AUSA Rubega was requested to assist as an instructor at a seminar in Nashville, Tennessee, sponsored by the U.S. Attorney's office for the Middle District of Tennessee.

Closer to home, an Identity Theft and Fraud training conducted by the United States Attorney's Office for the District of New Hampshire, in Jackson, New Hampshire on August 26<sup>th</sup>, 2008, was attended by over 140 state, local, and private sector law enforcement officers and investigators, and received extremely positive reviews.

The Identity Crimes Working Group is chaired by Assistant U.S. Attorney Alfred Rubega, and meets regularly every month at the U.S. Attorney's Office.



## IDENTITY CRIME CASES

**Rayner Herrera**, age 38, of New York, NY, was sentenced on February 19, 2008 to twenty six months in jail after he pleaded guilty to Aggravated Identity Theft and Use of Unauthorized Credit Cards. **Herrera** was also sentenced to pay \$19,339.60 in restitution.

**Beverly Starr Dove**, 39, of Kings Mountain, North Carolina, was sentenced on February 22, 2008 to three months home detention she pleaded guilty to identity theft and credit card fraud. **Dove** was also sentenced to pay \$7,500.00 in restitution.

**Alan Katz**, age 44, of Las Vegas, Nevada, was charged on January 30, 2008 with mail and wire fraud, conspiracy to commit those offenses, and aggravated identity theft. **Katz** used false identities and counterfeit checks to purchase cars that he resold for cash.

**Alfred Kozloski**, 46, of Hollis, New Hampshire, was charged on May 28, 2008 with interfering with the delivery of United States mail.

**Klever Peralta**, 27, of Lawrence, Massachusetts, was sentenced on January 22, 2008 to one year of probation after he pleaded guilty to

fraudulently using another person's social security number.

A 44-year-old citizen of Mexico, **Ema Cecenas**, was sentenced on April 18, 2008 to one year of probation after she pleaded guilty to using another person's Social Security number.

A 35-year-old citizen of Brazil, **Renaldo Resende Rodrigues**, was arrested on December 14, 2007 and charged with using another person's Social Security Number. Rodrigues pled guilty on May 1, 2008 and was sentenced on July 31, 2008 to time served and 2 years supervised release.

**Warren Butler**, 28, of New York City, was sentenced on April 23, 2008 to seventy-five months after he pleaded guilty to conspiracy to commit bank fraud and a separate charge of Identity Theft. **Butler** and his co-conspirators used personal identifying information belonging to a number of other people withdraw more than \$260,000 from their personal bank accounts.





# PROJECT SAFE CHILDHOOD



Cases involving sexual exploitation of children have consistently been a priority of the Department of Justice and the United States Attorney's Office in New Hampshire. U. S. Attorney Colantuono states, "Cases involving the sexual exploitation of children remain among the highest priority matters handled by the United States Attorney's Office for the District of New Hampshire. This office will aggressively seek to prosecute those individuals who choose to prey on our children."

In February 2006, the United States Department of Justice introduced Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorney's Offices, Project Safe Childhood gives U.S. Marshals and federal, state, and local agencies the resources to better locate, apprehend, and prosecute individuals who exploit children via the

Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit [www.projectsafefchildhood.gov](http://www.projectsafefchildhood.gov).

## CONFERENCES AND PRESENTATIONS

**October 24, 2007**—Presentation to the New Hampshire Child Advocacy Centers' Summit at Waterville Valley

**October 25, 2007**—Presenation to Attorney General's Conference on Child Abuse and Neglect—Waterville Valley.

**December 3-6, 2008**—Attended National PSC Conference in St. Louis, MO.

**March 18, 2008**—Presentation to "Family Support NH" in Concord. This is a statewide group of family support and family resource center programs doing work all around the state.

**April 14-17, 2008**—Attended and spoke at the Regional ICAC training at the Parker House Hotel in Boston, Massachusetts. Law Enforcement and Prosecutors attended from New York, Vermont, Maine, Massachusetts and Rhode Island.

**September 23-26, 2008**—Attended the National ICAC/PSC Conference in Columbus, OH

**September 25-26, 2008**—Attorney General's Conference on Child Abuse and Neglect at Attitash Conference Center.



# PROJECT SAFE CHILDHOOD CASES

**Frank Emery** - 24, of Stoneham, Massachusetts, pled guilty on January 2, 2008 to traveling in interstate commerce with intent to engage in illicit sexual conduct.

The investigation began after parents in Goffstown discovered that their 14 year old daughter and the defendant had been engaging in on-line communication which was sexually explicit and included plans for the two to meet in person. An investigation by the FBI and the Goffstown Police Department revealed that on January 31, 2007, the defendant had traveled from his place of business in Massachusetts to meet the child in her home. He engaged in sexual activity with her.

**Emery** was sentenced on May 30, 2008 to 45 months in prison. After serving his sentence he will be supervised by United States Probation for a period of five years during which time he will be prohibited from having unsupervised contact with minors. He will also be required to register as a sex offender in any district in which he resides.



**Denis Frigon** - 56, of Somersworth, NH pled guilty on July 1, 2008, to one count of attempted possession of child pornography. The charge was the result of an undercover investigation by the United States Postal Service. **Frigon** ordered seventeen films advertised as depicting children engaged in sexual activity from a company which was in fact an undercover operation by the United States Postal Inspection Service.

The defendant faces a maximum prison sentence of 10 years. After his release, the defendant will be supervised by United States Probation for any period of years to life.

**Daniel Lenz** - 27, of Jacksonville, Florida, was sentenced on August 28, 2007, to 10 years in

federal prison. **Lenz** was tried and convicted last year of causing the transportation of a minor in interstate commerce for the purpose of engaging in illicit sexual conduct.

In March of 2007, law enforcement officials were notified that a 15 year old girl from Windham, NH was discovered missing from her home. Investigation by the FBI and the Windham Police Department revealed that the girl was en route to Florida in the company of another individual. The girl and the individual were found in Manning, South Carolina and the girl was returned home safely. Subsequent investigation by federal and local authorities identified **Lenz** as the individual who orchestrated the transportation of the girl from New Hampshire with the intended destination of **Lenz**' home in Jacksonville, Florida. The investigation revealed that **Lenz** met the 15 year old online through an interactive video game.

After his release, **Lenz** will be required to register as a sex offender and will be supervised by United States Probation for the rest of his life.

The Cyber-Crime Unit of the Florida Attorney General's office and the Jacksonville Sheriff's Department were also instrumental in the apprehension and prosecution of Lenz.



**Charles Moz** - 25, formerly of Rindge, was sentenced on September 12, 2008 to 30 months in prison after pleading guilty to attempting to receive child pornography through the mail while living in New Hampshire. His arrest was the result of an undercover investigation by the United States Postal

Service with assistance from the Rindge Police Department. **Moz** ordered images of children being sexually assaulted from a company which was, in fact, an undercover postal inspector.

After being released from prison, **Moz** will be supervised by United States Probation for a period of 10 years and will have to register as a sex offender in any jurisdiction in which he resides.

**Gene Stram** - 47, of Rindge, New Hampshire, was sentenced on July 30, 2008 to 78 months in federal prison after pleading guilty to possession of child pornography. The evidence revealed that **Stram** possessed a total of over 1350 images and videos depicting child pornography. **Stram** was also sentenced to a lifetime period of supervised release by the United States Probation Office that will begin once he is released from prison. **Stram** will also have to register as a sexual offender in any district in which he resides.

The case was investigated by the Rindge Police Department and the United States Secret Service.

**Paul Peters** - of Concord, was sentenced on February 21, 2008 to 188 months after pleading guilty to one count of possession of child pornography in violation of federal law. **Peters** has prior convictions for sexually assaulting children and is required to register as a sex offender.

The investigation began with a joint task force coordinated by the New Hampshire Attorney General's Office and the Internet Crimes Against Children (ICAC) Task Force. Undercover investigators were able to track the transmission of child pornography via the internet and the defendant was identified as an individual receiving those images. During the course of the investigation the defendant was interviewed and admitted that he was in possession of images of child pornography. A search warrant was executed at his residence and a review of the defendant's computer revealed hundreds of pornographic photographs and films of children, including graphic images of children being sexually assaulted.

**David Bettoney** - of Gilford pled guilty on March 3, 2008 to one count of possession of child pornography in violation of federal law.

The investigation began with the Charleston, S.C. police department in 2005 who had information that **Bettoney** was receiving images of child pornography from an individual in Charleston. A search warrant was executed at his residence and a review of the defendant's computer revealed photographs of children engaged in sexually explicit conduct. During the course of the investigation the defendant was interviewed and admitted that he was in possession of images of child pornography.

On October 27, 2008, **Bettoney** was sentenced to 46 months in prison. He will be required to register as a sex offender and will be supervised by U.S. Probation for the rest of his life.

**John Collins** - age 38, formerly of Manchester and Nashua, New Hampshire, pled guilty on January 30, 2008 to an Information charging him with unlawful failure to update his registration as a sex offender pursuant to federal law. **Collins**, who was convicted in 2000 of Aggravated Felonious Sexual Assault, is an individual required to register as a sex offender and to update any change in his address with the state's sex offender registry. **Collins**, who had left his last known address in Manchester in February of 2006 was found living in Massachusetts in March of

**INTERNET PREDATORS**

2007. He had not updated his registration in either state.

**Collins** was sentenced to a term of 4 months in prison in addition to time he was serving on state charges. He will be supervised by United States Probation of a period of one year and will continue to be required to register as a sex offender in any district in which he resides.

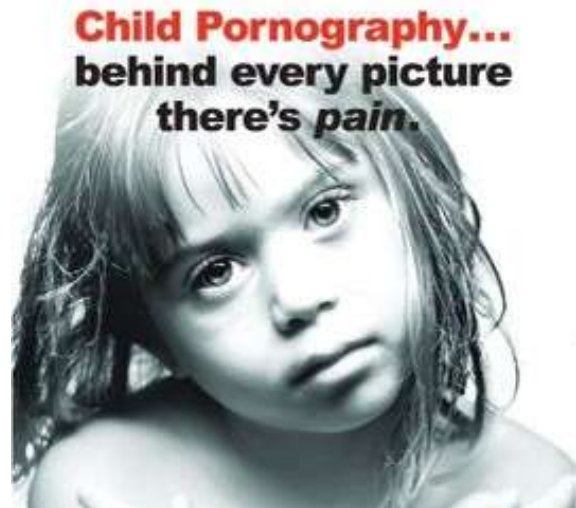
**Dominic Pace** - was indicted on May 14, 2008 on



## PROJECT SAFE CHILDHOOD CASES (cont.)

charges of production, sale and possession of child pornography. His arrest was the result of the cooperative efforts of the Secret Service, the New Hampshire State Police as well as the Massachusetts State Police and the Florida Internet Crimes Against Children Task Force.

**Jacob Silva** - was indicted on July 9, 2008 on charges of production and possession of child pornography. He was charged after an investigation was conducted by the Concord Police Department and the Federal Bureau of Investigation.



## OPERATION CHECKMATE

A large percentage of the country's passport applications are processed here in New Hampshire at the National Passport Center in Portsmouth, making our U.S. District Court the proper venue for many passport fraud cases having no other connection with New Hampshire. In the wake of the 9/11 terrorist attacks, innovative approaches to the interdiction of terrorism were employed nationwide. In New Hampshire, one of the forms this response took was Operation Checkmate, initiated with the State Department as a program to investigate and prosecute a high volume of these cases.

Maintaining the integrity of the U.S. Passport is essential to the State Department's efforts to protect U.S. citizens from terrorists and impostors.



Operation Checkmate is a joint initiative of the U.S. Attorney's Office, the U.S. Department of State Bureau of Diplomatic Security, the Department of Homeland Security Bureau of Customs and Immigration Enforcement, and the Social Security Administration Office of Inspector General. Each year since its inception Operation Checkmate has made great strides toward the goal of eliminating passport fraud, and thereby reducing identity theft while helping secure the nation's borders.

Additionally, the innovative work of the District of New Hampshire in this important area has begun to serve as a model for other districts. Assistant U.S. Attorney Alfred Rubega, who coordinates the Checkmate project, was requested to assist as an instructor on passport fraud prosecution at a seminar held September 23 - 25, 2008 in Nashville, Tennessee, sponsored by the U.S. Attorney's office for the Middle District of Tennessee. Also, the Diplomatic Security Service of the U.S. State Department has referred to

New Hampshire's program as a model which, with the assistance of personnel from the District of New Hampshire, they hope to reproduce in other Districts.

Further, due to an aspect of Operation Checkmate in which records of death certificates were compared with the records of active U.S. passports, a number of successful felony prosecutions have been undertaken of defendants impersonating deceased individuals, and obtaining passports in the identities of the deceased.

The State Department faces a number of challenges to its passport fraud detection efforts, which make it more difficult to protect U.S. citizens from terrorists and other criminals. These challenges include identifying, tracking and locating imposters, aliens and others who falsify passport applications in order to obtain the benefits that a U.S. passport affords. The U.S. passport is considered the "gold standard" among travel documents because it enjoys wide acceptance around the world. It also establishes conclusive proof of U.S. citizenship.

Operation Checkmate is coordinated, and its cases prosecuted, by Assistant U.S. Attorney Alfred Rubega.

## OPERATION CHECKMATE CASES

In separate cases, **Luis Fernando Gonzalez**, of Los Angeles, California, **Maritza Guzman**, of Columbia, **Pascual Duran-Gomez**, 40, of Lowell, Massachusetts, and **Francis Ndemi Mwangi**, of Kenya, were charged with making false statements to obtain a U.S. Passports.

**Freddie Adjei Asinor**, 52, of Baltimore, Maryland, was sentenced to two years probation after he pleaded guilty to making false statements on an application for a United States Passport.

**Abel Arturo Toledo-Casteneda**, a 41-year-old citizen of Guatemala, was sentenced to 15 months in prison after pleading guilty to using false information to obtain a United States Passport.

A 41-year-old citizen of Mexico, **Fernando Gonzalez-Gonzalez**, was sentenced to "time served" (approximately 5 months) after he pleaded guilty to making false statements on an application for a United States Passport.

**Josue Delgadillo-Torres**, a citizen of Mexico, was sentenced to 12 months and one day in jail after he pleaded guilty to making false

statements on an application for a United States Passport.

**Peter Thomas**, 45, of Ghana, was sentenced to two years probation after he pleaded guilty to making false statements to obtain a United States Passport.

**Charles Anson**, 45, of Ghana, was sentenced to 2 years probation after he pleaded guilty to making false statements to obtain a United States Passport.

All defendants were detained pending deportation proceedings.



# CRIMINAL DIVISION

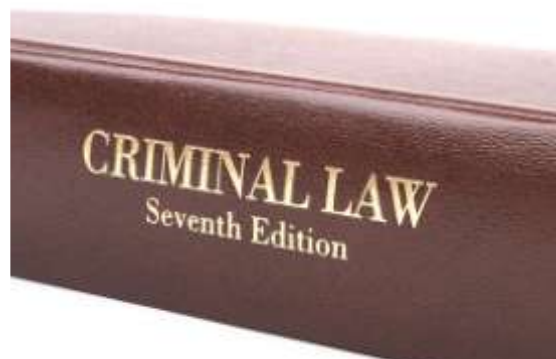
The United States Attorney is the chief federal law enforcement official within his or her district. Although some larger states have more than one federal district within their borders, the District of New Hampshire is defined by the boundaries of the State of New Hampshire. Thus, the United States Attorney is charged with prosecuting federal crimes that occur, in whole or in part, anywhere in the State of New Hampshire.



**ROBERT M. KINSELLA**  
**CRIMINAL CHIEF**

Looking back to 2008, the Criminal Division of the United States Attorney's Office had 16 full time Assistant United States Attorneys assigned to prosecute criminal cases. The Division also had Special Assistant U.S. Attorneys assigned to the PSN and HIDTA initiatives. Assistant U.S. Attorney Jennifer Cole Davis assumed responsibility for overseeing all investigations and prosecutions by the Organized Crime Drug Enforcement Task Force (OCDETF) when former First Assistant U.S. Attorney Joseph Laplante became a U.S. District Court Judge. A Victim Witness Specialist, Automated Litigation Support Coordinator, an investigator, 4 paralegals and 7 legal assistants supported the attorneys in the prosecution of criminal cases.

During fiscal year 2008, the Criminal Division was led by Criminal Chief Robert Kinsella and Deputy Criminal Chief, Robert Veiga. AUSAs Kinsella and Veiga carry full case loads in addition to managing the Division. Although Assistant U.S. Attorneys assigned to the criminal division generally specialize in the prosecution of violent crime or white collar offenses, many AUSAs handle cases in both subject areas. By mixing the case load of the attorneys assigned to each section, the Criminal Division has developed a staff of senior attorneys who have expertise in a broad array of criminal prosecutions and are comfortable prosecuting any violation of the federal criminal law.





# CRIMINAL DIVISION— Violent Crime Section

## OCDETF

The Organized Crime and Drug Enforcement Task Force (OCDETF) program, initiated by President Ronald Reagan in 1982, combines the resources of various agencies within the Department of Justice (U.S. Attorney's Office, DEA, FBI, ATF, the U.S. Marshals Service) the Department of Homeland Security (ICE, the U.S. Coast Guard), and the Treasury Department (IRS Criminal Investigation Division), and divides them into several Regional Task Forces in order to combat the largest national and international drug trafficking and money laundering organizations and to significantly reduce the illicit drug supply in the United States.

In New Hampshire, several state and local agencies, such as the NH State Police Narcotics Investigation Unit, the NH Attorney General's Drug Task Force, and the Manchester, Nashua, Portsmouth and Somersworth Police Departments also routinely participate in OCDETF investigations. The District of New Hampshire is part of New England OCDETF, and has three prosecutors assigned to OCDETF work.



**Operation Spring Place - United States v. Christopher Bouchard, et al.** "Operation Spring Place" dismantled the Christopher **Bouchard** cocaine and marijuana distribution and money laundering organization. An OCDETF-funded

wiretap was run jointly by the NH State Police, the Bureau of Immigration and Customs Enforcement (ICE), the IRS Criminal Investigation Division, DEA, the Manchester Police Department, and the Southern NH HIDTA Task Force.

Christopher **Bouchard**, 35, formerly of 1497 Union Street, Manchester, New Hampshire, one of the primary targets of this wide-ranging drug trafficking and money laundering investigation, entered guilty pleas to federal money laundering charges, as well as state charges including being a drug enterprise leader, conspiracy to distribute cocaine, and two conspiracies to distribute marijuana during the period of January 1, 2000 to June 1, 2005. During that time period, **Bouchard** directed the transportation and shipment of cocaine and marijuana from Arizona to Manchester, NH. Once the drugs were delivered to the city, **Bouchard** oversaw the storage and distribution of the drugs in New Hampshire. The drug enterprise involved the distribution of thousands of pounds of marijuana and multiple kilograms of cocaine. ICE, DEA and NH State Police continue to make cases based on information gathered during the investigation involving cocaine targets in California, Texas, New York State, Massachusetts, Illinois, and New Hampshire.

Approximately 25 individuals have been indicted or convicted in state and federal courts of trafficking, money laundering, and weapons charges, including Manchester, NH financial professionals (a mortgage broker and a CPA) involved in laundering **Bouchard**'s drug proceeds.

The enterprise, led by **Bouchard**, was unique by New Hampshire standards with respect to its duration of the operation, its connection to Arizona and Mexico, and the quantity of drugs involved. In addition, **Bouchard** employed a sophisticated scheme of acquiring legitimate

## Violent Crime Section—OCDETF (cont.)

businesses and co-mingling the profits from his drug business making the illegal activity particularly difficult to detect.

**Christopher Bouchard** was sentenced on December 19, 2007 to 72 months imprisonment followed by three years supervised release on federal money laundering charges. Bouchard further consented to the entry of a money judgment forfeiture against him in favor of the United States in the amount of \$1.3 million.

**Michael Manning** was sentenced on October 12, 2007 to 15 months in prison followed by a three-year period of supervised release on federal money laundering charges. Manning pled guilty on March 20, 2007 to a felony information charging him with conspiracy to launder \$18,600 in the proceeds of the Christopher Bouchard drug trafficking ring.

**Edward Baroody** was sentenced on December 10, 2007 on drug trafficking and money laundering charges. On January 12, 2006, Baroody pled guilty before Judge Joseph DiClerico and was convicted of cocaine distribution and of laundering the proceeds of Manchester drug trafficker Christopher Bouchard's marijuana and cocaine distribution ring. Baroody was sentenced to 30 months imprisonment followed by a 3-year period of supervised release.

**Aldo Barardi** pled guilty to two counts of distribution of cocaine and is scheduled to be sentenced in late 2008.

**Operation Rogue Smasher – United States v. Carey Hamilton, et al.** This investigation, initiated in 2004, by the DEA's Lowell, Massachusetts-based Cross Border Initiative (CBI), focused on Carey **Hamilton**, a Methuen, MA-based bookmaker and ecstasy trafficker. During the course of the investigation, **Hamilton** (who will be sentenced in 2008) and several of his criminal associates were prosecuted and convicted, including:

**Hector Mancebo** sentenced on September 2, 2008 in connection with the distribution of oxycontin and percocet in 2007 and for conspiracy to possess in excess of 500 grams of cocaine with intent to distribute. Mancebo was sentenced to a term of 12 months and one day in prison and three years supervised release upon his release from custody. Mancebo admitted during a plea hearing in April, 2008, that he sold oxycontin and percocet and conspired with others to possess in excess of 500 grams of cocaine with the intent to distribute it;

**Michael Martellucci** sentenced on July 23, 2008 in connection with the attempted distribution of cocaine in 2007, and money laundering in 2005 and 2006. Martellucci was sentenced to a term of 72 months in prison and three years supervised release upon his release from custody. Martellucci admitted during a plea hearing in April, 2008, that he attempted to sell cocaine during an aborted drug transaction in August, 2007 and laundered drug proceeds to buy two motor vehicles in November, 2005 and October, 2006.



## **Operation ERAD - United States v. Nguyen et al.**

This ongoing prosecution targeted a well organized criminal cell in which individuals from Massachusetts of Vietnamese descent purchased residences in New Hampshire for the sole purpose of housing large scale indoor marijuana cultivation operations. The operation was uncovered in October, 2006, when an electrical fire caused damage to a residence located in Hooksett, NH. During a subsequent search of the residence, a sophisticated 800+ plant indoor marijuana grow operation was discovered in the basement. In November, 2006, as a result of a blown electrical transformer, a second, and identical, indoor grow operation was discovered in the basement of a residence located in Epsom, NH, where approximately 1,400 plants were seized. During October and November, 2006, numerous residences in New Hampshire suspected of housing similar grow operations were identified.

In December, 2006, as part of a coordinated effort between NH DEA, NH State Police, NH United States Attorney's Office, NH Attorney General's Office, and numerous local law enforcement agencies, search warrants were executed at 11 residences suspected of housing similar marijuana grow operations throughout southern and central New Hampshire. Of the 11, nine residences contained extensive indoor marijuana grows in the basements, each one identical to the next. The total plant count was approximately 10,318. In the residences in which no active indoor grows were discovered, evidence of past grows was evident. Additionally, the garage of one residence contained what is believed to be the remains of a dismantled grow operation from another suspect residence.

The majority of the target residences, purchased within the last 18 months, were purchased with almost 100% financing, and all carried a purchase price in excess of \$350,000. An investigation into a suspected mortgage fraud scheme is ongoing. To date, a number of individuals have been sentenced, including:

**Dung Nguyen** was sentenced on July 2, 2008, to thirty months imprisonment for one count of conspiring to possess with the intent to distribute in

excess of 100 marijuana plants. Nguyen was originally indicted on January 10, 2007 after the discovery of marijuana plants located in a residence in Chester, New Hampshire;

**Chamber Van Tran** was sentenced on October 18, 2007, to 24 months in prison after having pled guilty to conspiring to possess with the intent to distribute in excess of 1,000 marijuana plants. Tran was originally indicted on December 6, 2006 after the discovery of the marijuana plants located in a residence in Epsom, New Hampshire. Tran was also sentenced to five years of supervised release which will begin after he is released from prison;

**Tai Tuan Nguyen** was sentenced on April 16, 2008, to sixty months imprisonment after having pled guilty on November 28, 2007 to one count of conspiring to possess with the intent to distribute in excess of 100 marijuana plants. Nguyen was originally indicted on January 10, 2007 after the discovery of approximately 840 marijuana plants located in a residence in Hopkinton, New Hampshire;

**Quoc My Tran** was sentenced on February 26, 2008, to fourteen months imprisonment after having pled guilty on November 29, 2007 to one count of conspiring to possess with the intent to distribute in excess of 100 marijuana plants. Tran was originally indicted on January 10, 2007 after the discovery of approximately 840 marijuana plants located in a residence in Hopkinton, New Hampshire;

**Toan Nguyen** was sentenced on June 25, 2008, to 24 months in prison after having pled guilty to unlawful possession with the intent to distribute in excess of 1,000 marijuana plants. Nguyen was originally indicted on February 7, 2007 after the discovery of the marijuana plants located in a residence in Hooksett, New Hampshire. Nguyen was also sentenced to three years of supervised release which will begin after he is released from prison.





## Violent Crime Section—OCDETF (cont.)

### Operation Fang - United States v. Sim Say

**Carisa Hamel** pled guilty on October 25, 2007 to using a communications facility in the commission of a conspiracy to distribute ecstasy. Under federal law, it is illegal to use a communications system, like a telephone system, to facilitate a drug trafficking conspiracy. In July, 2005, Hamel had a telephone conversation with someone she knew was a source of ecstasy to arrange to purchase a quantity of ecstasy pills for distribution. On October 25, 2007, Hamel was sentenced to a period of probation.

**Narin Van** was sentenced on October 25, 2007 to two years of probation for aiding and abetting the distribution of marijuana and for distributing marijuana. On February 1, 2005, Van accepted a \$3,400 payment on behalf of another party for a previous delivery of about one pound of marijuana and delivered additional marijuana to an individual who was cooperating with investigators.

**Phouen Lang** was sentenced on June 18, 2008 to 12 months and 1 day of imprisonment and three years of supervised release for trafficking



in cocaine. On three occasions in November and December, 2004, and January, 2005, Lang sold quantities of cocaine in Maine and New Hampshire. He was charged with three counts of distributing cocaine, and, on October 9, 2007, he pled guilty to those charges.

### Operation Loan Grown - United States v. Richard Lizotte

Richard G. **LIZOTTE**, of Newton, Massachusetts, was sentenced on May 28, 2008, to 60 months imprisonment after having pled guilty to conspiring to distribute marijuana and conspiracy to commit money laundering. Lizotte was arrested on August 9, 2006 after a lengthy investigation during which Lizotte was identified as a source of supply for large quantities of marijuana throughout New Hampshire and Massachusetts. As part of his plea agreement, Lizotte admitted that over a five year period he distributed approximately 1,378 kilograms of marijuana and laundered approximately \$123,295. Lizotte paid a \$500,000 cash forfeiture to the United States, representing the net value of property used to facilitate his drug trafficking offenses. Lizotte was also sentenced to four years of supervised release which will begin after he is released from prison.

Robert **PERLMAN**, of Natick, Massachusetts, was sentenced on September 26, 2008, to 27 months in federal prison after having pled guilty to conspiring to distribute marijuana and conspiracy to commit money laundering. Perlman stored Lizotte's marijuana at his residence for a number of years and during this time would retrieve specified quantities from his basement for Lizotte's customers. As part of his plea agreement, Perlman also forfeited \$150,000 to the United States.

David **RUSSO**, was sentenced on July 29, 2008, to probation for conspiring to distribute marijuana and conspiracy to commit money laundering for his role in the Lizotte conspiracy.

Over a five year period, Russo purchased multiple quantities of marijuana for resale to Russo's own customers.

### **UNITED STATES v. KEVIN BLANCHARD - —OPERATION OFF-BALANCE**

**Derek W. Kerrins** was sentenced on July 29, 2008 in connection with a conspiracy to distribute oxycontin in 2006. **Kerrins** was sentenced to a term of 60 months in prison and three years supervised release upon his release from custody. **Kerrins** admitted during a plea hearing in November, 2007, that he conspired with others to distribute oxycontin between December 2005 and February 2006.

**Felipe Espada** was sentenced on March 17, 2008 in connection with a scheme to sell drug paraphernalia and cocaine in October, 2006. **Espada** was sentenced to a term of 46 months in prison and four years supervised release upon his release. **Espada** previously admitted guilt to conspiracy for his role in installing an electronically operated hidden storage compartment in a vehicle, which he knew was primarily intended and designed for use in concealing controlled substances. **Espada** also admitted to conspiracy to distribute over 500 grams of cocaine that was found in his possession during his arrest on October 12, 2006.



### **OPERATION PILL PUSHER**

**Michael Martellucci** was sentenced on July 23, 2008 in connection with the attempted distribution of cocaine in 2007, and money laundering in 2005 and 2006. **Martellucci** was sentenced to a term of 72 months in prison and three years supervised release upon his release from custody. **Martellucci** admitted during a plea hearing in April, 2008, that he attempted to sell cocaine during an aborted drug transaction in August, 2007 and laundered drug proceeds to buy two motor vehicles in November, 2005 and October, 2006.



**Hector Mancebo** was sentenced on September 2, 2008 in connection with the distribution of oxycontin and percocet in 2007 and for conspiracy to possess in excess of 500 grams of cocaine with intent to distribute. **Mancebo** was sentenced to a term of 12 months and one day in prison and three years supervised release upon his release from custody. **Mancebo** admitted during a plea hearing in April, 2008, that he sold oxycontin and percocet and conspired with others to possess in excess of 500 grams of cocaine with the intent to distribute it.



## Violent Crime Section—STREETSWEEPER

**Daniel Forlizzi** pled guilty on October 2, 2007 to five counts of distribution of crack cocaine to an undercover police officer between August and November, 2006. He was sentenced to 84 months in prison followed by five years supervised release upon his release from custody.

**Yvonne Thrasher** was sentenced on October 2, 2007 in connection with the distribution of crack cocaine between June and August, 2006. Thrasher was sentenced to a term of 30 months in prison followed by four years of supervised release. **Thrasher** previously admitted guilt to three charges of distribution of crack cocaine in June, 2007.

**Antron Hughes** pled guilty on October 9, 2007 to three counts of distribution of a controlled substance. **Hughes** was indicted in August of last year after he sold crack cocaine to an undercover officer in Manchester on three occasions between July and November of 2005.

**Matthew Uhry** was sentenced on October 18, 2007 in connection with the distribution of crack cocaine to an undercover police officer in September, 2006. **Uhry** was sentenced to 96 months in prison and four years supervised release. He previously admitted guilt to the charge on June 18, 2007.

**Ray McMillan** was arraigned on October 25, 2007 after having been indicted by a federal grand jury and charged with the sale of crack cocaine and cocaine. The three count indictment charges that in August of 2006, **McMillan** sold crack cocaine and cocaine in Manchester.

**Lacey Grendell** pled guilty on October 29, 2007 to four counts of illegal sale of crack cocaine. The four count indictment charged that in April and May, 2006, Grendell sold crack cocaine in Manchester.

**Cotisha Blake** was sentenced on November 1, 2007 to a term of 15 months imprisonment for distribution of a controlled substance, followed by three years supervised release. **Blake** was indicted on August 30, 2006, after she sold crack cocaine to an undercover police officer in Manchester in April and May of that year. She pled guilty to the charges on February 5, 2007.

**Jerrell Cryer** was sentenced on November 2, 2007 to 70 months in prison for trafficking in crack cocaine and cocaine, followed by four years supervised release. On several occasions in August and September of 2006, **Cryer** sold an undercover New Hampshire State Police Trooper various quantities of cocaine and crack cocaine. **Anthony Frith** was sentenced on November 26, 2007 to 70 months in prison, followed by a term of four years supervised release. **Frith** pled guilty on August 20, 2007 to four counts of distribution of cocaine and cocaine base “crack” in May and June of 2006.





**Noel Buofford** was sentenced on December 13, 2007 to 37 months of incarceration to be followed by three years of supervised release. **Buofford** had previously pled guilty to a two count indictment charging him with cocaine base ("crack") distribution in Manchester, New Hampshire.

**Kyshawn Ross** was sentenced on January 22, 2008 to eight months imprisonment followed by two years supervised release. **Ross** pled guilty in October 2007 to charges that he sold cocaine and crack cocaine on three occasions.

**Thomas Anderson** pled guilty on January 29, 2008 to the charge of selling crack cocaine. The one count indictment charges that in August, 2006 he sold crack cocaine in Manchester.

**Stanley Amos** was sentenced on January 30, 2008 to 30 months imprisonment followed by three years of supervised release. **Amos** pled guilty in October 2007 to charges that he sold cocaine and crack cocaine on seven separate occasions.

**Jamil Scott** pled guilty on March 3, 2008 to a 12 count Information charging him with the sale of cocaine and cocaine base ("crack" cocaine). Specifically, **Scott** is charged with selling powder and "crack" cocaine to an undercover officer on 12 separate occasions in Manchester.

**Patrick Jones** was sentenced on March 11, 2008 to 15 months of incarceration to be followed by three years of supervised release. **Jones** had previously pled guilty to a four count indictment charging him with cocaine base ("crack") and cocaine distribution in Manchester, New Hampshire.

**Christopher Varagianis** pled guilty on March 17, 2008 to distributing and attempting to distribute cocaine. Mr. **Varagianis** admitted he had sold cocaine to an undercover Manchester Police Officer in August 2007. On another occasion he took \$200 from the officer but did not

deliver the cocaine as had been agreed.



**Daniel Riendeau** pled guilty on March 25, 2008 to three counts of distribution of a controlled substance. **Riendeau** admitted that he sold crack cocaine to an informant during July and August, 2005. **Riendeau** was indicted on the charges on September 7, 2005.

**Jason Thomas** pled guilty on March 26, 2008 to six counts of selling crack cocaine. The indictment charged that beginning in July, 2006 and continuing through January, 2007, **Thomas** had sold crack cocaine in Manchester.

**Misty Lawrence** pled guilty on March 31, 2008 to three counts of distribution of cocaine and one count of aiding and abetting the distribution of crack cocaine. On three separate dates in November of 2006, **Lawrence** sold cocaine to an undercover police officer. On December 5, 2006, **Lawrence** assisted another co-defendant in the distribution of crack cocaine to an undercover police officer.

## STREETSWEEPER (Cont.)

**Alice Boudreau** pled guilty on March 31, 2008 to distributing crack cocaine. **Boudreau** sold crack to an undercover law enforcement officer on three occasions in February 2007.

**Brandon Prewara** was sentenced on April 3, 2008 to 24 months in prison followed by six years supervised release. In December 2007 **Prewara** pled guilty to two charges of distribution of



crack cocaine in December, 2007.

**Liam Delorey** pled guilty on April 23, 2008 for distributing 50 grams or more of a substance containing methamphetamine in March 2007. He was indicted by a federal grand jury on one count of trafficking in methamphetamine.

**Kelly Vietze** pled guilty on May 12, 2008 to distributing crack cocaine. Ms. **Vietze** admitted that she sold crack cocaine to an undercover officer in Manchester on August 10, 2007.

**Manuel Tejeda** and **Juan DeJesus Amador** pled guilty on May 27, 2008 in connection with the distribution of crack cocaine to an undercover police officer during June and July, 2007. Both **Tejeda** and **Amador** admitted guilt to charges of distribution of crack cocaine in excess of five grams and conspiracy to distribute and possess with intent to distribute crack cocaine.

**Rico Bermudez** was sentenced on May 28, 2008 on two counts of distribution of crack cocaine. **Bermudez**, a career offender, was sentenced to a term of imprisonment of 120

months. Upon his release, **Bermudez** will be placed on supervised release for three years. On December 5 and 6, 2006, **Bermudez** sold crack cocaine to an undercover police officer.

**Kim Farrell** was sentenced on May 28, 2008 in connection with the distribution of crack cocaine between May and June, 2006. **Farrell** was sentenced to a term of 78 months in prison. Following her release, she will be placed on supervised release for eight years. **Farrell** previously admitted guilt to eleven counts of distribution of crack cocaine in September, 2007.

**Linda Lopez** pled guilty on June 3, 2008 to operating a crack house in July and August, 2006. **Lopez** admitted that she had maintained and used an apartment on Whitney Street for the purpose of distributing and using both crack cocaine and cocaine. The conviction is the first in New Hampshire under a federal statute criminalizing the use of a house or apartment to facilitate violations of federal drug laws. **Lopez** also pleaded guilty to one count of conspiracy to distribute crack cocaine and cocaine and one count of distribution of cocaine.

**Raymond Jackson** was sentenced on June 17, 2008 to serve 51 months in prison, followed by a term of three years of supervised release. **Jackson** pleaded guilty on August 27, 2007, to an indictment charging him with conspiracy to possess with intent to distribute cocaine base ("crack").



**Timothy McComas-Lowe** was sentenced on June 17, 2008 to five years in prison for possession of a firearm during a drug trafficking crime. An indictment previously returned by the grand jury alleged that **McComas-Lowe** had purchased the gun for “protection” when he sold illegal drugs in Manchester. He was sentenced to a mandatory five year period of incarceration, without the possibility of parole or early release. **McComas-Lowe** was also sentenced to a four year period of supervised release beginning upon his release from custody.

**Timothy Demontier** pled guilty on July 21, 2008 to three counts charging him with sale of cocaine and cocaine base ("crack" cocaine). Specifically, **Demontier** is charged with selling cocaine and "crack" cocaine to undercover officers on three separate occasions in Manchester.

**Charmine Preston** was sentenced on July 24, 2008 in connection with the distribution of crack cocaine between August and October, 2005. **Preston** previously admitted guilt to three charges of distribution of crack cocaine in April, 2007. **Preston** was sentenced to five years in prison and four years supervised release upon her release from custody.

**Joshua Berg** was sentenced on September 2, 2008 for distributing crack cocaine. Berg previously admitted that he sold crack cocaine to an undercover officer in Franklin on July 11, 2007. **Berg** was ordered to serve 48 months in prison to be followed by three years of supervised release.

**Shirley Bruce** was sentenced on September 26, 2008 to her time served – approximately eleven months – based upon her plea of guilty to selling and conspiring to sell crack and powder cocaine. **Bruce** was caught selling those controlled substances on four occasions in the summer of 2006. She was also ordered a term of supervised release of three years beginning immediately.

**Janet Smith** pled guilty on September 30, 2008 to four counts of distribution of a controlled substance. **Smith** was indicted on November 7, 2007, after she sold crack cocaine to an undercover police officer in June and July of that year.

**The following individuals were indicted on September 10, 2008 in connection with the distribution of cocaine and crack cocaine:**

**Kevin Croteau:** charged with 3 counts of distribution of a controlled substance and one count of conspiracy;

**Amy Galacia:** charged with 1 count of distribution of a controlled substance and one count of conspiracy;

**Robert Mason:** charged with 5 counts of distribution of a controlled substance;

**Nicole Wells:** charged with 3 counts of distribution and one count of aiding and abetting;

**Vergenmimia Diaz:** charged with one count of conspiracy;

**Rhys Joyal:** charged with a supervised release violation;

**Shawn Demers:** charged with 5 counts of distribution of a controlled substance;

**Carlos Marsach:** charged with one count of conspiracy and 2 counts of possession with intent to distribute a controlled substance;





## STREETSWEEPER (Cont.)

**Edward Torres:** charged with one count of conspiracy, 3 counts of possession with intent to distribute a controlled substance, felon in possession of a firearm and possession of a firearm in furtherance of a drug trafficking crime;

**Isaac Lindsay:** charged with 4 counts of distribution of a controlled substance and one count of conspiracy;

**Laura Moore:** charged with one count of conspiracy and one count of distribution of a controlled substance;

**Wilfredo Morales:** charged with 2 counts of distribution of a controlled substance;

**Christopher Francoeur:** charged with 4 counts of distribution of a controlled substance;

**Joseph Allen:** charged with 3 counts of distribution of a controlled substance;

**Denise Lee:** charged with one count of distribution of a controlled substance and 2 counts of aiding and abetting;

**Michael Tyrance:** charged with 2 counts of distribution of a controlled substance and one count of aiding and abetting;

**Cedric Ross:** charged with 2 counts of distribution of a controlled substance.

The approximate total street value of all the drugs seized was **\$225,000**. Also seized during these operations were **11 firearms** and **\$128,200** in U.S. currency.



January 24, 2008 - U.S. Attorney Colantuono, along with members of the office, accepts a plaque from IRS Special Agent in Charge Douglas A. Bricker (right). The plaque was in recognition of the legal talent, teamwork, prosecutions and dedication of the U.S. Attorney's Office in support of the IRS Criminal Investigation's Mission.

## VIOLENT CRIME—DRUG (Non-OCDETF)

**Francisco Feliz** was sentenced on October 4, 2007 to serve 46 months in prison for conspiracy to distribute cocaine. In addition, he was ordered to serve three years of supervised release following his incarceration. The defendant was arrested in April of 2006, as part of a cocaine trafficking organization which had operated for at least six years on the seacoast. **Feliz** pled guilty to the conspiracy charge on March 1, 2007.

**Quenta Parker** was sentenced on November 27, 2007 in connection with a scheme to distribute over one kilogram of crack cocaine between July, 2004 and February, 2005. On October 3, 2006, **Parker** pled guilty to charges of conspiracy and possession with intent to distribute over 50 grams of crack cocaine, as well as possession of a firearm during a drug trafficking crime. **Parker** was sentenced to 135 months in prison on the drug offenses and an additional 60 months for the weapon possession, for a total sentence of 195 months. He was placed on supervised release for 5 years after his release from prison.

**Jesus Arturo Castro** was sentenced on January 30, 2008 to five years in federal prison after pleading guilty to one count of conspiring to distribute marijuana between 2004 and 2007. **Castro** was also sentenced to four years of supervised release which will begin after he is released from prison. On October 29, 2007, **Castro** pled guilty to being part of a conspiracy that delivered loads of marijuana from Arizona to New England, including shipments that were delivered to New Hampshire.

**Anthony Burnett** was sentenced on February 4, 2008 in connection with a scheme to distribute crack cocaine between July, 2004 and February, 2005. **Burnett** was sentenced to a minimum mandatory term of life in prison for conspiracy to distribute over 50 grams of crack cocaine and possession with intent to distribute



over 50 grams of crack cocaine. The life sentences on each count were ordered to run concurrently to each other. **Burnett** received an additional minimum mandatory term of 60 months for possession of a firearm during a drug crime to run consecutively to the terms of life.

**Rodney Gorospe** and **Joseph Gelinas** were arraigned on February 7, 2008 on a criminal complaint charging them with manufacturing methamphetamine and conspiracy to manufacture methamphetamine.

**James Foster Smith** was sentenced on February 12, 2008 to two years in federal prison after pleading guilty to one count of conspiring to distribute marijuana between 2004 and 2007. **Smith** was also sentenced to three years of supervised release which will begin after he is released from prison. On October 3, 2007, **Smith** pled guilty to being part of a conspiracy that delivered loads of marijuana from Arizona to New England, including shipments that were delivered to New Hampshire.

**Jonathan Platte** was sentenced on April 14, 2008 to 25 years in prison following his conviction for engaging in a conspiracy to distribute cocaine, crack cocaine, and heroin, possession with the intention of distributing cocaine and heroin, possession of a firearm in

## VIOLENT CRIME—DRUG (Non-OCDETF) (Cont.)

furtherance of a drug trafficking crime, and possession of a firearm by a convicted felon. Following his release, he will be under supervised release for a period of five years.

**Charles Nelson, Tyree Everson and Michelle Tillman** were arraigned on April 15, 2008 for conspiracy to distribute crack cocaine. **Nelson** and **Everson** were also arraigned on one count of distribution of crack cocaine while **Tillman** was also arraigned on one count of aiding and abetting the distribution of crack cocaine. All three were indicted on April 2, 2008.

**Frank T. Drake** was sentenced on May 1, 2008 to four years in federal prison for manufacturing in excess of 100 marijuana plants. **Drake** will serve a four-year period of supervised release after his release from prison. **Drake** was originally arrested on October 3, 2007 after the New Hampshire State Police Narcotics Intelligence Unit witnessed him tending to approximately 44 marijuana plants growing in the woods approximately 50 yards from the southbound side of Interstate 89 in the town of Warner. **Drake** had an additional 89 marijuana plants growing in the woods on the northbound side of Interstate 89 in Sutton, New Hampshire.

**Carlos Perez** was sentenced on May 27, 2008 in connection with the distribution of heroin and crack cocaine during July and August, 2006. **Perez** admitted guilt to the charges on October 3, 2007. **Perez** was sentenced to 84 months in prison and five years supervised release upon his release from custody.

**Moise William** was convicted on June 4, 2008 following a two day jury trial for unlawful possession of marijuana and cocaine base (“crack”). **William** was arrested on July 21, 2007, after he was found to be in possession of the drugs when his vehicle was stopped during a sobriety checkpoint conducted by the Auburn, New Hampshire Police Department. **William** was originally indicted on August 22, 2007.

**Sherry Roderick** was sentenced on June 20, 2008 to two years of probation after pleading guilty to one count of smuggling a controlled substance into a facility holding federal inmates. As a condition of her probation, **Roderick** was ordered to serve six months of home detention during which time **Roderick** will have to wear an electronic monitoring device. In July 2007, **Roderick** pled guilty to purchasing a greeting card in May 2006 and gluing crushed oxycodone wrapped in tin foil to the inside of the card. **Roderick** then caused the card to be mailed to an inmate at the Strafford County House of Corrections (SCHOC), who was to deliver the card containing the oxycodone to Roderick’s then boyfriend, Travis Blodgett.



**Belca M. Guerrero** pled guilty on July 2, 2008 to possessing five grams or more of crack cocaine with the intent to distribute. Ms. **Guerrero** admitted that on July 16, 2007, she was in possession of 5.7 grams of crack cocaine that she was about to deliver to a person in Hudson, New Hampshire. The crack cocaine was found hidden in a secret compartment in her vehicle.

**Christopher Chase, Phatsany Lae Syharath and Kenton Benloss** were indicted on July 23, 2008 for conspiracy to smuggle and illegally distribute Anabolic Steroids, HGH, IGF-1



and Clenbuterol. The defendants were also charged with conspiracy to launder monetary instruments from inside the United States to various foreign countries including China and Moldova.

**Juan Evaristo Sanchez-Noboa** was sentenced on July 30, 2008 to 120 months in prison after pleading guilty to three counts of distribution of “crack” cocaine and/or cocaine and one count of re-entry after deportation. The court also ordered that **Sanchez-Noboa** serve a five-year term of supervised release. **Sanchez-Noboa** faces further deportation proceedings when he completes serving his sentence. **Sanchez-Noboa** is a citizen of the Dominican Republic and was previously deported on December 22, 2003.

**Tut Wegn** was sentenced on July 30, 2008 to 78 months in prison after pleading guilty to four counts of distribution of cocaine and one count of distribution of crack cocaine in excess of five grams and one count of distribution of crack cocaine in excess of 50 grams. The court also ordered that **Wegn** serve a five-year term of supervised release. Through an investigation, an undercover officer met **Wegn** who sold the officer approximately 29 grams of cocaine and seventy grams of crack cocaine.

**Eugene Williams** was sentenced on August 27, 2008 to 96 months imprisonment for sales of cocaine, followed by three years of supervised release. On four occasions in December, 2005, April, 2006 and May, 2006, **Williams** sold quantities of cocaine to an undercover officer of the Manchester Police Department. A federal grand jury indicted **Williams** for the drug sales on August 30, 2006, and on March 11, 2008, he pled guilty to those charges.

**Francisco Alfaro** pled guilty on August 27, 2008 to one count of conspiracy to distribute cocaine base (“Crack”) in excess of five grams and one count of distribution of cocaine. An investigation by the Somersworth Police Department and the Drug Enforcement Administration revealed that during 2007 through February 2008, **Alfaro** and others were distributing “crack” cocaine in excess of five grams from a co-

conspirator’s residence in Somersworth. **Alfaro** also distributed cocaine.

**Charles Nelson** pled guilty on August 26, 2008 to one count of conspiracy to distribute cocaine base (“crack”) in excess of five grams and one count of distribution of cocaine base (“crack”). An investigation by the Somersworth Police Department and the Drug Enforcement Administration revealed that during 2007 through February 2008, **Nelson** and others were distributing “crack” cocaine in excess of five grams from a co-conspirator’s residence in Somersworth.



# NEW ENGLAND H.I.D.T.A.



**Special Assistant U.S. Attorney Michael Zaino**

**Lorraine Rehm**—was indicted on April 9, 2008 after DEA-HIDTA made two controlled purchases of crack cocaine from her. In total, **Rehm** sold approximately three ounces of crack cocaine to undercover agents.

**Carols J. Gonzalez**—was indicted on a six count indictment on July 17, 2008 after Merrimack Police Department and DEA-HIDTA worked together to make five controlled purchases of crack cocaine from the defendant.



Michael Zaino is an Assistant Hillsborough County Attorney who is cross-designated as a Special Assistant U.S. Attorney here in our office under a grant from New England H.I.D.T.A. Michael came here in August of 2007 and is responsible for prosecuting H.I.D.T.A. cases originating out of Hillsborough County. The following are some of the cases Michael prosecuted in FY 2008:

**Richard G. Lizotte**— was sentenced on May 28, 2008 to 60 months in federal prison after having pled guilty to conspiracy to distribute marijuana and conspiracy to commit money laundering. **Lizotte** admitted that over a five year period he distributed approximately 1,378 kilograms of marijuana and laundered approximately \$123,295. **Lizotte** paid a \$500,000 cash forfeiture to the United States, representing the net value of property used to facilitate his drug trafficking offenses. **Lizotte** was also sentenced to four years of supervised release which will begin after he is released from prison.

**Wanjira Taliafarro** and **Veronica Melendez**— Nashua Police Department and DEA-HIDTA made several undercover purchases of crack cocaine from both defendants. When **Taliafarro** was arrested, she had over five ounces of crack cocaine in her possession. Both were indicted on January 16, 2008 and are currently pending trial.

**Felix A Perez**— Nashua Police Department and DEA-HIDTA made controlled purchases of cocaine from the defendant. **Perez** was indicted on April 2, 2008 on two counts of distribution and one historical conspiracy charge that alleged he conspired to distribute over 500 grams of cocaine. **Perez** pled guilty to all counts on July 21, 2008.



# VIOLENT CRIME—ROBBERIES



**Travis Blodgett** was sentenced on October 29, 2007 to 235 months in federal prison after pleading guilty to a series of bank robberies between October 2005 and January 2006. **Blodgett** also pled guilty to knowing that a firearm was used during one of the robberies and to attempting to escape from the Strafford County

House of Corrections. **Blodgett** pled guilty on January 10, 2007 to conspiring to rob ten banks. **Blodgett** was also sentenced to 5 years of supervised release which will begin after he is released from prison.

**Robert L. Clark** pled guilty on November 29, 2007 to committing three armed bank robberies in New Hampshire. On September 27, 2007, **Clark** was arrested by the New Hampshire State Police after attempting to flee from a vehicle stop. **Clark** was originally indicted for the robberies on October 4, 2007.

**Gordon Cedric Reid** was sentenced on February 1, 2008 to 220 months in federal prison after being convicted on one count of robbery affecting interstate commerce. **Reid** was also sentenced to three years of supervised release, which will begin after **Reid** is released from prison. On December 13, 2006, a jury convicted **Reid** of robbing the Hess Express Gas Station in Concord, New Hampshire, on the night of February 13, 2005.

**Maurice Works** was sentenced on February 19, 2008 to 151 months in federal prison after pleading guilty to committing the April 11, 2007 robbery of the Wendy's Old Fashioned Hamburgers restaurant located on Loudon Road in Concord. **Works** was also sentenced to three years of supervised release which will begin after he leaves prison.

**Neal Wright** pled guilty on April 21, 2008 to committing a series of bank robberies in New Hampshire and Massachusetts in June, 2007. **Wright** admitted that he robbed a Citizens Bank located in Londonderry, New Hampshire. He also admitted to robbing two TD Banknorth branches in Manchester, New Hampshire and Methuen, Massachusetts.

**Richard Ellison** pled guilty on April 2, 2008 to aiding and abetting an attempted robbery of the Store 24 in Concord, New Hampshire, aiding and abetting the robbery of the Food Basket in Concord, New Hampshire, and aiding and abetting the possession of a firearm used in the Store 24 robbery.

**John Macedonia** was sentenced on April 28, 2008 to 24 months in prison after pleading guilty to committing the October 31, 2007 robbery of the Citizens Bank located in Salem, New Hampshire. **Macedonia** was also sentenced to three years of supervised release, which will begin after he is released from prison. Finally, **Macedonia** was ordered to pay restitution to Citizens Bank.

**Stephen M. Butler** of Brockton, Massachusetts, was sentenced on July 14, 2008 to 20 years in federal prison for robbing the Vista Foods grocery store in Manchester and robbing eight other businesses in Massachusetts and two Massachusetts banks. After his release from prison, he will be on supervised release for three years.

**Robin Theriault** was sentenced on July 7, 2008 to 48 months in federal prison for her role in the January 24, 2006 attempted robbery of the Store 24 in Concord, New Hampshire, and the January 24, 2006 robbery of the Food Basket in Concord, New Hampshire. **Theriault** was also sentenced to three years of supervised release and ordered to pay restitution of \$300.

**Ian Burns** was sentenced on August 15, 2008 to 97 months in federal prison for his



involvement in the February 23, 2007 armed robbery of Franklin Savings Bank, New Hampton, New Hampshire. **Burns'** sentence followed his plea to engaging in a conspiracy to rob Franklin Savings Bank, aiding and abetting Corey Donovan with the bank robbery, and possession of a firearm in furtherance of a crime of violence. **Burns** was also sentenced to three years of supervised release, which will begin after he is released from prison.

**Anthony Sawyer** and **Roger Guilbault** were indicted on August 20, 2008 and charged with conspiracy to commit robbery and with using a firearm during and in relation to a crime of violence for a January 2008 armed robbery of a residence in Dover. **Sawyer** is also charged with being a felon in possession of a firearm in connection with a May 2008 armed robbery of a residence in Rochester and for his June 2008 attempted possession with intent to distribute oxycodone. **Guilbault** is also charged with being a felon in possession of a firearm as a result of a March 2008 alleged theft of a firearm from a residence in Portsmouth.

**Talbot "Timmy" Curtin** was sentenced on August 26, 2008 to serve 151 months in federal prison for the bank robbery of Bank of America in Salem, New Hampshire in July 2005. **Curtin** was indicted for the bank robbery on May 16, 2007 and pled guilty on May 5, 2008. He was also sentenced to 3 years of supervised release.

**Henry D. Devine** was sentenced on September 15, 2008 to 92 months in prison for robbing four Manchester, New Hampshire convenience stores, attempting to rob a fifth store, and for two counts of trafficking in crack cocaine. **Devine** pled guilty to those charges on April 25, 2008. In addition, the court ordered him to pay restitution totaling \$2,795 and ordered that he be placed on supervised release for three years.

## VIOLENT CRIME—OTHER

**Jimmy Dale Folsom, Jr.** was indicted on October 4, 2007 with two counts of mailing threatening communications. **Folsom** sent two letters to Attorney General Kelly Ayotte in May and July 2007 threatening to kill her. **Folsom**, at the time he allegedly mailed the threats, was an inmate at the Ellis Unit at the Texas Department of Criminal Justice in Huntsville, Texas.



# VIOLENT CRIME—BROWN SUPPORTERS

On April 10, 2008, at the conclusion of a two-week trial, a federal jury returned the following verdicts as to the supporters of convicted tax evaders, Ed and Elaine Brown of Plainfield, New Hampshire:

## **Jason Gerhard - Brookhaven, NY**

- guilty of conspiracy to forcibly impede the Marshals Service's efforts to arrest Ed and Elaine Brown,
- guilty of conspiracy to forcibly interfere with the Marshal Service's efforts to arrest the Browns, and to be an accessory after the fact,
- guilty of being an accessory after the fact,
- guilty of carrying, using and possessing a firearm in connection with a crime of violence,
- guilty to being an accessory after the fact,
- not guilty of carrying, using and possessing a destructive device in connection with a crime of violence.

## **Daniel Riley - Cohoes, NY**

- guilty of conspiracy to forcibly impede the Marshals Service's efforts to arrest the Browns,
- guilty of conspiracy to forcibly interfere with the Marshal Service's efforts to arrest the Browns, and to being an accessory after the fact,
- guilty of being an accessory after the fact, and
- guilty of carrying, using and possessing a firearm and a destructive device in connection with a crime of violence.

## **Cirino Gonzalez - Alice, TX**

- guilty of conspiracy to forcibly interfere with the Marshal Service's efforts to arrest the Browns, and to be an accessory after the fact, and
- guilty to being an accessory after the fact.

The jury was unable to agree whether **Gonzalez** conspired to forcibly impede the Marshal Service's efforts to arrest the Browns, and whether he carried, used and possessed a firearm in connection with a crime of violence.



Brown Residence, Plainfield, New Hampshire

During **Riley's**, **Gerhard's** and **Gonzalez's** trial, the government introduced evidence that each of the defendants brought firearms into the Browns' residence and that they made public statements regarding their intention to forcibly resist the efforts of the Marshals Service to arrest the Browns. A number of firearms, pipe bombs, gun powder cans equipped with fuses and some with nails taped to the outside, and assembled spring guns (booby traps) were recovered from the Browns' residence after the Browns were arrested. In addition, a number of containers containing a binary explosive were attached to trees that surrounded the Browns' property.

On July 31, 2008 **Robert Wolffe** of Randolph, VT, was sentenced to 30 months in jail and three years supervised release, and **Jason Gerhard** was sentenced to 20 years in jail and five years supervised release. In January 2008, **Wolffe** pled guilty to two counts of conspiracy and being an accessory after the fact. In April 2008, he testified for the government against **Gerhard** and two other individuals, **Daniel Riley** and **Cirino Gonzalez**. At the conclusion of the trial, a jury returned verdicts convicting **Gerhard** of two counts of conspiracy, being an accessory after the fact and carrying and using firearms in connection with a crime of violence; **Riley** was convicted of two counts of conspiracy, being an accessory after the fact and carrying and using firearms and explosive devices in connection with a crime of violence; and **Gonzalez** was found guilty of a conspiracy charge and being an accessory after the fact.

**Cirino Gonzalez** was sentenced on September 26, 2008 to 96 months in jail and three years supervised release. In April 2008, a federal jury in Concord returned verdicts convicting **Gonzalez** of conspiracy to impede and impair the efforts of the United States Marshals Service in their efforts to execute federal arrest warrants, and being an accessory after the fact.



The U.S. Attorney's Office was honored to have U.S. Marshal Director John F. Clark visit us on March 17, 2008 along with invited state, federal, county and local agencies that participated in a very long and protracted investigation and prosecution. Direct Clark presented each agency with a plaque for their outstanding assistance and help in bringing the Brown prosecution and arrest to a safe and successful conclusion. Seen here are members of the U.S. Attorney's Office with Director Clark standing in front of the American flag.



# WHITE COLLAR CRIME SECTION

## BANK FRAUD

**Adam Henry Nagle**, age 29, of Manchester, New Hampshire was sentenced on September 2, 2008 to nine months in jail after he pleaded guilty to an offense, bank fraud, that involved the alteration and negotiation of checks that were stolen from mail boxes.

**Sanford Meekins**, a resident of Saugus, Massachusetts, was charged on April 28, 2008 with bank fraud. Allegedly, **Meekins** knowingly deposited stolen checks to a bank account he opened, and then used the falsely inflated balance of the account for his personal benefit.



## BANKRUPTCY FRAUD

A resident of Candia, New Hampshire, **Richard Porter**, was charged on October 10, 2007 with making false statements to the United States Bankruptcy Court. Allegedly, **Porter** filed fraudulent personal bankruptcy petitions for two people without their permission or authority. He is currently undergoing psychiatric evaluation to determine his ability to stand trial.

## OBSTRUCTION OF MAIL

**Alfred Kozloski**, 46, of Hollis, New Hampshire, was charged with interfering with the delivery of United States mail.

## COUNTERFEITING

**Jeremy Hurd**, 37, of Utica, New York, was sentenced on July 24, 2008 to twenty-one months in prison after he pleaded guilty to counterfeiting twenty and fifty dollar bills.

## FDA CRIME

**Vee Excel Drugs & Pharmaceuticals, Inc.**, of Londonderry, NH, admitted that it conspired to traffic in counterfeit drugs and to introduce misbranded drugs - counterfeit Cialis tablets - into the United States. All of the company's assets, including \$40,000 in cash, were forfeited to the government and a fine of \$5000 was imposed. The company is no longer in business.

## FISHERY OFFENSE

In June, **Karl Crute**, Sr., 66, of Cushing, Maine, pleaded guilty to a misdemeanor, shipping shellfish in interstate commerce during a period when his right to legally sell shellfish was suspended.

# WHITE COLLAR CRIME (Cont.)

## DIVERSION OF PRESCRIPTION DRUGS

While working as a nurse at a hospital in New Hampshire, **Vickie Worthington**, a 49-year-old resident of Longwood, Florida, diluted vials that contained Fentanyl Citrate. She was charged on July 9, 2008 with Tampering with a Consumer Product and Obtaining a Controlled Substance by Misrepresentation. Trial is set for January 21, 2009.



## CORPORATE FRAUD

**Enrique (“Henry”) P. Fiallo**, the former Chairman, President and Chief Executive Officer of **Enterasys Networks, Inc.**, was sentenced on November 19, 2007 to four years in prison and two years supervised release for his role in an accounting fraud conspiracy at **Enterasys, Inc.**, a computer network company formerly based in Rochester, N.H. **Fiallo** testified for the government during a trial against five other former **Enterasys** executives in November and December of 2006. Four of those defendants were convicted and received prison terms ranging from three years to eleven and a half years. The jury was unable to reach a unanimous verdict with respect to the fifth defendant in that trial, **Enterasys**’s former Chief Operating Officer, **Jerry A. Shanahan**. Three additional former **Enterasys** executives who pleaded guilty and also cooperated were sentenced to prison terms ranging from 12 months to forty-one months.

## EPA REPORTING CRIME

**Patrick “Tony” Calderone**, 59, of Greenville, New Hampshire, was sentenced on February 1, 2008 to three years probation and 50 hours of community service after he pleaded guilty to submitting documents to the EPA that falsely reported the turbidity levels in the drinking water used by the Town of Exeter, New Hampshire.



## DISABILITY FRAUD

A former mail carrier, **Arthur Martel**, age 56, of Hudson, NH, was sentenced to twelve months home confinement and fined \$3,600 after he pleaded guilty to offenses, Mail Fraud and making a False Statement to the U.S. Department of Labor. **Martel** concealed income he earned while receiving disability benefits from the U.S. Postal Service through the Department of Labor.

**Levi Blake**, 59, of Newport, New Hampshire was charged with making False Statements regarding ability to work to obtain disability benefits from the Social Security Administration and the Department of Veteran's Affairs.

**Kevin Corbin**, a resident of Exeter, New Hampshire, pleaded guilty to making false statements to the Social Security Administration and the Department of Veterans' Affairs. While receiving disability benefits from the Social Security Administration and unemployability benefits from the Department of Veteran's Affairs, **Corbin** concealed income he earned as a self-employed welder. He also lied about his ability to work on an application for Adaptive Housing Benefits he submitted to the VA.

A 45-year-old resident of Derry, New Hampshire, **Ligia Veda**, was sentenced to three years probation after she pleaded guilty to making a false statements to the Social Security Administration. On a document **Veda** submitted to the SSA, she exaggerated her family's expenses in a document she submitted to the SSA to reduce the monthly payment her husband was required to make to the SSA for an over-payment of his disability benefits.

A 54-year-old resident of York, Maine, **Irene D. Howard**, defrauded the Social Security Administration by concealing income she earned while receiving disability benefits totaling more than \$100,000, some of which she transported from Maine to New Hampshire in violation of federal law. She was sentenced to six months home confinement.





# WHITE COLLAR CRIME (Cont.)

## IMMIGRATION

**Marcelo Moraes**, age 31, of Brazil, was sentenced on January 31, 2008 to 24 months in jail and three years supervised release, after pleading guilty to mail fraud, possessing more than 5 fraudulent identification documents, fraudulent use of social security numbers, using a counterfeit credit card, possession with intent to distribute cocaine, interstate transportation of a stolen motor vehicle and unlawfully re-entering the United States after he was deported.

**Job Ernesto Saenz**, 31-year-old citizen of Mexico, was sentenced on April 15, 2008 to time served and 3 years supervised release after he pleaded guilty to falsely claiming to be a United States citizen on a Firearms Transaction Record that he completed to purchase an AK-47 semi-automatic rifle from a licensed firearms dealer in New Hampshire.

A citizen of Kenya, **Luis Kariuki**, 36, was sentenced on October 31, 2007 to ten months in prison after he pleaded guilty to selling a Puerto Rican birth certificate that belonged to another person.

**Eguinaldo Silva** of Nashua, New Hampshire was sentenced on July 24, 2008 to six months in jail after he pleaded guilty to selling counterfeit Resident Alien Cards and counterfeit Social Security Cards.

A 35-year-old citizen of the Dominican Republic, **Rafi Ramirez**, was sentenced on August 13, 2008 to 24 months in jail after he pleaded guilty to illegally reentering the United States after being deported.

**Ignacio Montoya-Perez**, 23, was sentenced on January 30, 2008 to six months in jail after he pleaded guilty to reentering the United States after twice being deported to Mexico.

**Adan Raudales-Marcia**, 42, was sentenced on July 1, 2008 to 27 months in jail after he pleaded guilty to illegally reentering the United States after twice being deported to Honduras.

**Ruben Ortiz-Perez**, 28, was sentenced on July 23, 2008 to ten months in jail after he pleaded guilty to illegally reentering the United States after having been deported to Mexico.



## EMPLOYEE THEFT

**Michelle Kennedy**, age 49, of Stratham, New Hampshire, was sentenced to 36 months in jail after she pleaded guilty to stealing more than \$340,000 from her employer, Multinational Resources, Incorporated.

**Linda D. Bevins**, 51, of Greenville, New Hampshire, was charged with stealing approximately \$1.6 million from the Crotched Mountain Foundation, a nonprofit charitable organization that receives federal funds from the United States Department of Housing and Urban Development that are intended to provide housing assistance for the disabled and elderly.



**Robert O'Rourke**, 51, of Concord, New Hampshire, **Richard Melcher**, 47, formerly of Londonderry, New Hampshire and **Leon D. Rahaim**, 48, of Framingham, Massachusetts, pleaded guilty to conspiracy to steal property worth more than \$10,000, primarily postage stamps, from post offices in Salem, New Hampshire and Woburn, Massachusetts. Each of them were sentenced to six months.

While employed as a part time Window Distribution Clerk at the U.S. Post Office in Rindge, New Hampshire, **Kathy Kelly**, age 52, diverted several pieces of mail addressed to other persons to her personal post office box, opened other pieces of mail that were not addressed to her, and removed nominal amounts of cash from some of those items of mail. She pleaded guilty to obstructing the U.S. mail.

While serving in Iraq, a member of the Vermont National Guard, **Joseph Downing**, 42, mailed two high explosive rocket grenades and firearms that were not registered in the National Firearms Register to his former residence in Thorton, New Hampshire. Downing, pleaded guilty to theft and attempted sale of stolen military items.

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## SOCIAL SECURITY NUMBERS

**Luis Miguel Melo**, a citizen of the Dominican Republic, was sentenced to 10 months in jail after he fraudulently used social security numbers that belonged to other people.



## WHITE COLLAR CRIME (Cont.)

**Hector Pena-Euceda**, age 35, was sentenced on October 1, 2008 to 18 months in jail after he pleaded guilty to illegally reentering the United States after being deported to Mexico.

**Ernesto Diaz-Salaz**, age 21, was sentenced on February 26, 2008 to time served and 3 years supervised release after he pleaded guilty to illegally reentering the United States after being deported to Mexico.

**Bruce V. Morine**, age 45, was charged with illegally reentering the United States after having been deported to Canada, three times.

**Enrique Ramirez-Reyes**, age 33, pled guilty on October 20, 2008 to illegally reentering the United States after being deported to Mexico.

**Gustavo Ramirez Campos**, age 31, pled guilty on June 2, 2008 to illegally reentering the United States after being deported to Mexico and was sentenced on September 17, 2008 to time served.

A 41-year-old citizen of Honduras, **Adan Raudales-Marcia**, pled guilty on March 8, 2008 to illegally reentering the United States after being deported. He was sentenced on July 1, 2008 to 27 months in jail.

Thirty-five-year old **Cristian Almanza-Diaz**, who is also known as “**Angel Luis Cardona Rios**,” “**Alex Mota**” and “**Jamie Perez-Vargas**,” was sentenced on November 1, 2007 to approximately six months in prison for falsely claiming to be a United States citizen and fraudulent use of a means of identification in connection with an application for a New Hampshire driver’s license.



### PASSPORT FRAUD

In separate cases, **Maria Beronica Pena-Mendez**, a citizen of the Dominican Republic, and **Kevin Rooplal**, a citizen of Trinidad and Tobago, pleaded guilty to making false statements in an application for a U.S. Passport. **Pena-Mendez** was sentenced on January 30, 2008 to 4 months imprisonment. **Rooplal** was sentenced on June 30, 2008 and sentenced to time served.

**Claudia Henry**, 39, of New York City, New York, was sentenced on January 7, 2008 to one year of probation after pleading guilty to making false statements in an application for a United States Passport.



**Sandip Gupta**, age 41, of Hollis North, New York, was sentenced on December 20, 2007 to one year of probation and fined \$5,000 after he pleaded guilty to making false information to obtain a United States Passport.

**Peter Thomas**, 45, of Ghana, was sentenced on October 30, 2007 to two years probation after he pleaded guilty to making false statements to obtain a United States Passport.

**Raul Rodriguez**, 41, of Guatemala, was sentenced to 15 months in prison after he pleaded guilty to making false statements to obtain a United States Passport.

**Sandra Seirra**, 40, of the Dominican Republic, was sentenced to 4 months in prison after she pleaded guilty to making false statements to obtain a United States Passport.



VISA PASSPORT CENTER, PEASE AFB, NEWINGTON, NH



## INSURANCE FRAUD



A 53-year-old resident of Bedford, New Hampshire, **Raymond Douville**, an insurance agent, caused insurance premium finance companies to wire transfer more than \$100,000 to **Douville**'s insurance agency's bank account. Although, **Douville** was obligated to use the money to pay for insurance policies that customers of the insurance agency purchased, he used the money for his personal benefit. **Douville** was charged on August 27, 2008 with wire fraud. Trial is scheduled for February 18, 2009.

## MAIL AND WIRE FRAUD

**Larry Stallings**, 55, was sentenced on February 6, 2008 to 160 months in federal prison after a jury convicted him on two counts of wire fraud and one count of conspiracy to commit wire fraud. The offenses relate to an advance fee loan scheme that **Stallings** ran from his residence in Watauga, Texas.

A different jury found, **Michael Wyatt**, 43, of Plainfield, New Jersey, guilty of participating in the advance fee scheme with Stallings. **Wyatt** was sentenced on April 23, 2008 to 50 months in prison.

**Francis Simard**, age 47, formerly of Nashua, was sentenced on February 21, 2008 to 12 months and one day in jail after he pleaded guilty to wire fraud. **Simard** and another person fraudulently obtained Home Depot and Lowe's store credits totaling approximately \$40,000 and sold them to other people.

**Rita Kajoyan**, 28, of Montreal, Canada, was sentenced on January 30, 2008 to 15 months in jail after pleading guilty to conspiracy to commit wire fraud. **Kajoyan** participated in a telemarketing scheme that originated in Canada and targeted United States citizens. **Corey Richard Fleischer** of Montreal, Canada, was sentenced on December 24, 2007 to six months in jail for his participation in the conspiracy.

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## APPELLATE UNIT

Assistant U.S. Attorney Aixa Maldonado, who served as an AUSA in the District of Puerto Rico for over five years before joining our office, is the U.S. Attorney's Office's Appellate Coordinator. She oversees and reviews (and personally handles most of) the Office's appellate practice in the U.S. Court of Appeals for the First Circuit in Boston, as well as its "habeas corpus" practice in the U.S. District Court here in Concord, which involves convicted defendants' "collateral attacks" on their convictions in their efforts to obtain dismissals or new trials.

An experienced narcotics prosecutor, Aixa has a wealth of skill and knowledge enabling her to analyze and argue effectively to protect the United States' interest in matters that arise post-conviction. She also serves as the District of New Hampshire's liaison to the other appellate experts in U.S. Attorney's Offices in the other First Circuit districts in Massachusetts, Maine, Rhode Island, and Puerto Rico.

**Latanya Jones**, (December 17, 2008) In a bank fraud case, the Court of Appeals affirmed the District Court's decision that **Jones** was not entitled to a lesser sentence under the United States Sentencing Guidelines. **Jones** had argued that her sentence was improperly inflated by an enhancement for use of a counterfeit access device and by the amount of loss alleged by the government. The Court of Appeals held that the loss intended by the defendant, rather than the actual loss, was the appropriate benchmark. In addition, the Court held that the defendant's sentence was properly increased in light of her

production of false identification which, under the guidelines, is a counterfeit access device.



John Joseph Moakley Courthouse, Boston, MA

## APPELLATE UNIT (cont.)

**Luis Caraballo**, (December 22, 2008) In a crack cocaine distribution case, the Court of Appeals affirmed the District Court's decision that **Caraballo** was not entitled to a lesser sentence under the United States Sentencing Guidelines. **Caraballo**, who was sentenced as a 'career offender' under the guidelines, had argued that his sentence should have been reduced under recent amendments permitting lesser sentences in crack cocaine cases. The Court held that the District Court was correct in concluding that it did not have the authority to further reduce the defendant's sentence under the reduction provisions because the defendant was originally sentenced as a career offender.

**Quenta Parker**, (November 26, 2008) In a crack cocaine distribution conspiracy case, the Court of Appeals affirmed the District Court's decision that the search of a hotel room occupied by the defendant was within the Fourth Amendment. **Parker** had argued that the room occupied by himself and three others was improperly searched after the police removed them from the room and detained them for nearly four hours pending the acquisition of a search warrant. **Parker** further argued that there was insufficient probable cause in support of the warrant. The Court of Appeals held that the defendant's motion to suppress was properly denied by the District Court because there was sufficient evidence that the persons occupying the room had been involved in an prior armed altercation which provided a reasonable suspicion for the detention. The Court further held that those facts in combination with statements made by the suspects during their questioning by the police constituted probable cause to search the premises.

**Christopher Madison**, (November 10, 2008) In a crack cocaine distribution case, the Court of Appeals affirmed the District Court's decision that **Madison** was not entitled to a lesser sentence under the United States Sentencing Guidelines. **Madison**, who was sentenced to a statutorily mandated minimum term of incarceration, had argued that his sentence should

have been reduced under recent amendments permitting lesser sentences in crack cocaine cases. The Court held that the District Court was correct in concluding that it did not have the authority to further reduce the defendant's sentence under the reduction provisions because the minimum mandatory provisions of the statute controlled.

**Theoun So**, (April 3, 2008) In a case involving a felon in possession of firearms, the Court of Appeals affirmed the District Court's decision as to certain sentencing enhancements. **So** had argued that his sentence shouldn't have been increased for his possession of multiple firearms and that his sentence was otherwise unreasonable. The Court found these claims to be without merit.

**FNU LNU a/k/a Jimmy Oshunkey**, (October 10, 2008) In a case involving the furnishing of false information to the Commissioner of Social Security, the Court of Appeals affirmed the defendant's conviction. **Oshunkey** made several arguments attacking the search of his storage locker, sufficiency of the evidence supporting his conviction, indictment defects, and sentence enhancements. The Court upheld the defendant's conviction finding the District Court's denial of the defendant's motion to suppress was proper since the defendant had no expectation of privacy in the storage area and finding his other claims to be without merit.





# TRAINING BY NH AUSAS



Assistant United States Attorney Mark S. Zuckerman is a regular instructor on grand jury practice at the National Advocacy Center. He teaches federal prosecutors about the grand jury's subpoena power and how to effectively use the grand jury to obtain evidence in cases under investigation. AUSA Zuckerman is typically asked to lecture on this topic at least twice a year. In the last year, AUSA Zuckerman was invited to speak on grand jury practice at the National Advocacy Center in December, 2007, March, 2008, and July, 2008.

AUSA Zuckerman is also a sought after speaker on human trafficking, which is a top priority of the Department of Justice. His talks on this global problem address the breadth and applicability of the federal Trafficking Victims Protection Act and how to recognize, investigate, and prosecute human trafficking cases. He and Sheila Jenkins-Hamilton, the Victim/Witness Coordinator for the U. S. Attorney's Office, often collaborate and give joint presentations on human trafficking. In the last year, AUSA Zuckerman and Ms. Jenkins-Hamilton gave presentations on human trafficking at seminars sponsored by the New Hampshire Coalition Against Domestic Violence and New Hampshire's Statewide Interagency Commission on Human Trafficking. AUSA Zuckerman also spoke about human trafficking at a seminar sponsored by WISE (domestic and sexual violence crisis service provider serving the Upper Valley in northern New Hampshire and southern Vermont), and on a panel discussing the film Holly at the White River Indie Film Festival.

The successes and expertise of the District of New Hampshire in Identity Crimes and Passport Fraud investigation and prosecution attained increased nationwide recognition in this past year.

Assistant U.S. Attorney Alfred Rubega was requested to serve yet again as an instructor, on February 26-29 and on September 30 through October 2, 2008, at the second and third training seminar on Identity Theft at the National Advocacy Center (NAC).

AUSA Rubega presented course segments on Investigation and Case Development, on Passport Fraud Investigation and Prosecution, and on the Successful Administration of Working Groups at both 2008 Seminars, as he also did at the first ever such seminar on August 14-17, 2007. The attendee response has been consistently enthusiastic.

These seminars at the NAC have now been attended by a total of over two hundred and fifty other AUSAs and federal agents, substantially advancing the coordinated nationwide federal effort to aggressively interdict and prosecute all types of identity crimes.

Also, on September 23-25, of 2008, AUSA Rubega served as an instructor in Passport Fraud investigation and prosecution at an Identity Theft Seminar in Nashville, Tennessee, sponsored by the U.S. Attorney's office for the Middle District of Tennessee, which was attended by approximately 140 federal, state, local and private sector law enforcement officers, investigators and prosecutors.

Closer to home, an Identity Theft and Fraud prevention and prosecution training conducted by the United States Attorney's Office for the District of New Hampshire, in Jefferson, New Hampshire on August 26, 2008, was attended by over 120 state, local and private sector law enforcement officers, investigators and prosecutors and received extremely positive reviews.

# VICTIM WITNESS UNIT



The Victim Witness Unit for the United States Attorney's Office consists of Sheila Jenkins-Hamilton, the Victim Witness Specialist and Tiffany Langton, Victim Witness Assistant, a contract employee who joined the office in April of 2008. Ms. Langton is responsible for the automated "Victim Notification System" (VNS) for the District. VNS provides victims of federal crimes with notice of major case events from investigation through prosecution, incarceration and inmate's release. During the 2008 fiscal year, the United States Attorney's Office opened 56 new victim cases and registered an additional 126 victims. The Victim Witness Unit issued notifications to 4,415 registered victims concerning 50,000 pieces of information relating to federal criminal cases in the District of New Hampshire. The VNS website (VIS) registered over 1,300 victim logins.

The Victim Witness Unit is responsible for assisting the prosecutors with schedules and travel for victims and witnesses testifying in federal court. In fiscal year 2008, the Victim Witness program assisted 101 witnesses appearing in federal court, assisted 62 witnesses with travel and lodging arrangements and provided support during more than 115 court hearings.

Training and education on federal laws and initiatives concerning victims of federal crime is also a major responsibility of the Victim/Witness Program. Topics covered in FY 2008 training included victim rights, identity theft, child abuse, domestic violence and elder abuse.



**Tiffany Langton and Sheila Jenkins-Hamilton**

In March of 2008, Mrs. Hamilton participated in the Maine/New Hampshire Victim Assistance Academy; a forty hour victim assistance curriculum designed to train victim advocates and law enforcement new to the field. She also participated in the development of the Tri-State Consortium Advance Victim Assistance training conference hosted by Maine in November 2007. Mrs. Hamilton is on the conference committees for New Hampshire's Attorney General's Task Forces on Domestic Violence and Sexual Assault as well as Child Abuse and Neglect, sponsors speakers and assists with obtaining funding to support these two annual conferences.



## **The Justice For All Act of 2004**

The Justice for All Act of 2004, provides federal crime victims with standing to participate in criminal proceedings in both trial and appellate courts and could be one of the most dramatic changes in the federal judicial process. Congress believed the “scales of justice are out of balance—while criminal defendants have an array of rights under law, crime victims have few meaningful rights.” While Congress had previously provided crime victims with rights, those prior rights lacked enforceability. Having rights without remedies was illusory. In order to have justice for all, including the victim, Congress determined that the United States must provide “a fair and balanced criminal justice system—one that considers victims’ rights as well as defendant’ rights.” The new era in federal criminal justice allow victims to have enforceable civil rights within a criminal case. Those rights are as follows:

- 1. The right to be reasonably protected from the accused.**
- 2. The right to receive reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or any release or escape of the accused.**
- 3. The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.**
- 4. The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.**
- 5. The reasonable right to confer with the attorney for the Government in the case.**
- 6. The right to full and timely restitution as provided in law.**
- 7. The right to proceedings free from unreasonable delay.**
- 8. The right to be treated with fairness and with respect for the victim’s dignity and privacy.**

From a historical perspective, federal crime victims’ rights statutes previously had a fundamental flaw—they were unenforceable in a legal sense. The pre CVRA statutes required only “best efforts” and did not grant the victims standing to seek review of denials of their rights. The CVRA was drafted, in part, to remedy this type of unenforceability of rights. The enforcement mechanisms fall into four categories.

- 1. Courts are required to ensure that crime victims are afforded the rights described in the law.**
- 2. The Attorney General of the United States is required to take steps to ensure that federal prosecutors “make their best efforts” to see that crime victims are aware of, and can exercise, these rights.**
- 3. Crime victims and their representative or**

**their attorneys can assert the rights in United States District Court proceedings, giving victims standing to ask federal courts to enforce their rights.**

- 4. Victims, or their attorneys, and the United States Attorney can seek a writ of mandamus, permitting immediate appellate review when trial courts deny victims rights.**

In addition to the above enforcement mechanisms, federal crime victims now have the ability to file an administrative complaint if a department employee fails to respect the victim’s rights. The Attorney General must take and “investigate complaints relating to the provision or violation of the rights of a crime victim” and provide for disciplinary sanctions for Department employees who “willfully or wantonly fail” to protect those rights.



**FIRST ASSISTANT U.S. ATTORNEY JOSEPH LAPLANTE'S  
INVESTITURE AS A DISTRICT COURT JUDGE  
FEBRUARY 1, 2008**



Senator Judd Gregg and U.S.  
Attorney Colantuono present  
Judge Laplante with his  
commission

# U.S. MARSHALS OPERATION FALCON

**Operation FALCON** targets persons wanted on felony charges including sexual predators, unregistered sex offenders, violent crimes, narcotics violations, and other felonies. Among those arrested was **Gerard Latulippe**, wanted on an international provisional arrest warrant as a fugitive from Costa Rica.

**Latulippe**, 65, was arrested without incident June 3, on the 900 block of Ocean Boulevard in Hampton. The District of New Hampshire U.S. Attorney's Office, requested the provisional arrest warrant when it was discovered that **Latulippe** may be living there. Because Costa Rica has an extradition treaty with the United States, they made a formal request to locate and arrest **Latulippe** as a fugitive from their country.

During the week-long operation in June, 2008, **Operation FALCON** teams cleared 66 warrants, and made 54 physical arrests.

Other significant arrests included; **Harry Sauve**, 27, and **Rebekah Riso**, 25, who were both arrested in Manchester on June 2 after a motor vehicle stop. A subsequent search revealed crack cocaine. **Riso**, who fled from the vehicle, was apprehended by a DSS agent and a Manchester Police Officer after a brief foot pursuit and struggle. **Sauve** was arrested for possession of the crack cocaine located under the passenger seat.

On June 5, the Rochester Police, Deputy U.S. Marshals, and **FALCON** team members arrested **Michael Mendoza**, 24, in Rochester on warrants for Conspiracy to Commit Reckless Conduct and Criminal Liability. The allegations stemmed from a firearms related incident in Rochester on May 2. A subsequent search recovered three pounds of marijuana, .5 ounces of

crack cocaine, .3 ounces of cocaine powder and jewelry from approximately 15 Florida burglaries.

Agencies contributing to the U.S. Marshals-led **Operation FALCON** included DEA, Department of State-Diplomatic Security Service, Social Security-OIG, FBI, ICE, U.S. Probation, the N.H. State Probation and Parole, the N.H. State Police and N.H. Sex Offender Registry Board, all ten County Sheriff's Departments, and the Claremont, Dover, Dunbarton, Enfield, Greenfield, Hooksett, Kingston, Manchester, Nashua, Newbury, Rochester, Salem and Seabrook Police Departments.

Since its inception in 2005, **Operation FALCON** has made over 36,500 arrests and cleared over 45,300 warrants nationwide. "While the Marshals are often the public face of **Operation FALCON**, we have been extremely fortunate that all of our federal, state, and local partners continue to wholeheartedly and enthusiastically come together to make this work," said John F. Clark, Director of the U.S. Marshals Service. "With their exceptional assistance, **Operation FALCON** continues to be the largest and most successful fugitive apprehension effort in the U.S. Marshals history.



## FBI TEN MOST WANTED FUGITIVE ARRESTED IN MEXICO

The FBI in Boston announced on June 6, 2008, that “Top Ten Fugitive” Jon Savarino Schillaci, 36, was arrested without incident. When approached by FBI and Mexican authorities in San Jose De Gracia, Mexico, located southeast of Guadalajara in the state of Michoacan, Schillaci confirmed his identity.

Prior to his arrest, it was determined that Schillaci was living in Guadalajara, Mexico from approximately February 2003 until September 2006 under the alias, Dylan Natchitoches Pierce, aka Dylan N. Pierce. He also operated under the alias Dylan Thomas as a “DJ” for the boy chat-associated web-based radio show, “The Dylan Thomas Show”. Investigation also determined that Schillaci was the current Webmaster of pedophile website [www.boychat.org](http://www.boychat.org).

On November 4, 1999, Jon Savarino Schillaci was indicted by a Rockingham County Grand Jury at Brentwood, New Hampshire, on charges relating to the sexual assault of a five year old. In September of 2000, Schillaci was additionally charged with twenty-three counts of possession of child pornography.

Schillaci was placed on the FBI’s “Ten Most Wanted Fugitives” list on September 7, 2007. He was the 488th person to be placed on the list, which was established in 1950. He was the first New Hampshire defendant to have been put on the list. Since then, 459 fugitives have been apprehended or located. Prior to Schillaci’s placement on the “Ten Most Wanted Fugitives” list, he was placed on Oprah’s Child Predator Watch List and has been profiled on the television program, “America’s Most Wanted: America Fights Back”.



“FBI Top Ten Fugitive” Jon Savariono Schillaci (center) was arrested in Mexico on June 7, 2008 and is seen here being led away by FBI Special Agents Michael Schneider and Laura Hanlon after landing at Pease Air Force Base in Portsmouth, New Hampshire. Supervisory Senior Resident Agent John Mulvaney is in the background.





# CIVIL DIVISION



**GRETCHEN LEAH WITT  
CHIEF, CIVIL DIVISION**

The Civil Division of the U.S. Attorney's Office defends and prosecutes all civil actions in the District of New Hampshire that involve the United States, its agencies, and its employees in their official and sometimes in their individual capacities. During Fiscal Year 2008, the Division's six attorneys, and the experienced staff that works with them, appeared in local, state, bankruptcy, federal trial, and federal appeals courts in furtherance of the interests of the United States and its populace.

The Civil Division's practice is diverse, ranging from both defensive and affirmative cases. In FY 2008, the attorneys handled a vast array of defensive cases, defending lawsuits alleging medical malpractice by Federally-Supported Health Centers, challenges to agency decision making through the Administrative Procedures Act, Freedom of Information Act cases, Title VII discrimination in federal employment cases, Social Security disability claims cases, and an increasing number of immigration-based cases. In FY 2008, they also handled a wide variety of affirmative cases, including Americans with Disabilities Act enforcement, civil fraud cases, asset forfeiture actions, and environmental and other regulatory enforcement cases.

In addition, the Civil Division provided legal counsel to federal agencies, and to individual federal employees subpoenaed to provide expert testimony or information obtained in the exercise of federal duties and responsibilities. Federal law strictly limits such appearance in order to minimize the otherwise substantial distraction of federal agencies and employees from their intended governmental mission.



# DEFENSIVE LITIGATION

The United States Attorney's office defends the interests of the United States, as well as its agencies and employees, in litigation in the federal and state courts of New Hampshire. Such litigation is diverse in the extreme. The defensive cases handled by the United States Attorney's office range from Social Security Administration disability benefits cases, tort cases, employment discrimination cases, Freedom of Information Act cases, and Administrative Procedures Act cases. The types of defensive cases change annually, requiring the AUSAs who handle them to switch gears quickly and keep abreast of multiple areas of law.

Examples of the kinds of cases handled in FY 08 include:

**Cox v. Commissioner of Social Security Administration** — Plaintiff Terry Cox was a lawyer at the Social Security Administration (SSA) who drafted social security decisions on behalf of administrative law judges. Cox claimed that the SSA violated the Rehabilitation Act by denying her the ability to work at home as a reasonable accommodation for her major depressive disorder.

The case went to trial in November 2007, and the jury found in favor of SSA. The SSA defended the case on the grounds that Cox (1) did not provide requested medical information demonstrating her disability and (2) she was not entitled to work home because her request was motivated by a desire to avoid her supervisors, whom she disliked. Cox did not appeal the verdict.

**Fincher v. United States** — In this Federal Tort Claims Act suit, the plaintiff alleged that he suffered permanent hearing and balance injuries during a DEA operational training exercise held at the U.S. Naval Station in Newport, RI. The plaintiff alleged that he was injured when, in the



course of an exercise during which the participants entered and secured a mock clandestine laboratory, a booby-trap awareness device went off in an enclosed area. Although the United States vigorously defended the suit, the matter was resolved short of trial.



**Hammond, Admin. of the Estate of Bonnie L. Sumner v. United States, et al.** — Plaintiff alleged negligent failure to diagnose lung cancer in a timely manner when, presenting with a complaint of leg pain, she reported a history of COPD but had no present symptoms. The issue was whether, based on the incidental report, the examining physician should have ordered new pulmonary function tests and chest x-rays rather than order her records of such tests. The case was favorably resolved without trial.

**Cossette v. Sec., Dept Of Agriculture** — Plaintiff alleged age discrimination in his non-selection for U.S. Forest Service job handling White Mountain National Forest's Guide and Outfitter permitting program. At issue was whether Plaintiff's extensive banking experience was "in or related to the position to be filled" which the USFS construed as experience in forest-resource-related activities. On summary judgment, the district court denied that the agency's construction was pretext for age discrimination. The First Circuit affirmed the grant of summary judgment for the Secretary of Agriculture.

**Monday v. United States Postal Service**— Plaintiff Jerusalem Monday sued the United States Postal Service, asserting that he was discharged from the Postal Service’s Nashua, New Hampshire plant on account of his race and national origin in violation of Title VII of the 1964 Civil Rights Act. The Postal Service filed a motion for summary judgment, which the Court granted. The Court ruled that the Postal Service had discharged Mr. Monday because of inappropriate workplace conduct and not because of a ground prohibited by Title VII.

## FINANCIAL LITIGATION UNIT



The Financial Litigation Unit (“FLU”) is responsible for collecting money owed to the United States and crime victims (the federal government, individuals, banks, insurance companies and other businesses or entities). Criminal cases include special assessments, fines, federal restitution (money owed to a federal agency), and non-federal restitution (money owed to individuals, banks, insurance companies and other entities). Money collected for special assessments and fines is allocated to aid victims of crime. The proceeds collected in the Crime Victims Fund are distributed by DOJ’s Office for Victims of Crime, through grants to state-based victims compensation and victim assistance programs. Money collected for restitution is paid to the Court and then disbursed directly to the victim, with non-federal entities always taking priority over restitution to a federal agency.

The FLU suffered a great loss in FY 2008 with the passing of AUSA David Broderick, who had served as the FLU AUSA for many years. His common sense approach to representing the interests of the United States, and enforcing the interests of victims of crime, in collecting debts was invaluable and has been sorely missed.

Court-ordered restitution collected by the FLU for payment to non-federal victims for FY 2008 totaled over \$200,000. Court-ordered restitution collected by the FLU for payment to federal agencies totaled \$5,000. Examples of cases where federal agencies would receive restitution are fraud, embezzlement and theft. A total of \$72,912 was collected from fines and assessments and was deposited into the Crime Victims Fund. At the end of FY 2008, the FLU maintained a criminal caseload of 592 criminal debts, totaling \$48,780,445.59 in debts owed to the United States and victims.

The FLU’s civil cases consist of defaults on government loans (such as Department of Education and Department of Health and Human Services student loans, and Small Business Administration loans), overpayments made by the United States (such as Social Security, veteran’s benefits, and Medicare), pre-trial diversion cases (in which criminal prosecution is deferred to pursue civil remedies), environmental fines and penalties, and monetary penalties owed to the United States as a result of successful civil prosecutions (such as health care fraud and ADA prosecutions). At the end of FY 2008, the FLU maintained a caseload of 91 civil debts, totaling \$2,816,389.26.

The FLU collects money through voluntary payment plans, wage garnishments, bank garnishments, by attachment of personal property (cars, jewelry, etc.), offsetting federal benefits received by defendants (tax refunds, social security benefits, etc.), and by placing liens against real estate property. Total civil collections for FY 2008 totaled \$1,054,788.11.



# ASSET FORFEITURE

Although the Asset Forfeiture Unit (AFU) is part of the district's Civil Division, asset forfeiture is an integral part of federal criminal law enforcement. Asset forfeiture takes the profit out of crime by depriving the criminal of the fruits and instrumentalities of his crimes. While most cases filed by the AFU are filed as civil litigation, the Asset Forfeiture AUSAs also work closely with the office's Criminal Division AUSAs, often as co-counsel, from investigation and indictment to sentencing, to obtain forfeitures in their criminal cases. The AFU also collaborates with the Civil Division's Affirmative Civil Enforcement Unit to restrain the dissipation of assets during the pendency of affirmative litigation for the recovery of damages to the United States under the False Claims Act and other federal laws. The Asset Forfeiture Unit provides training about forfeiture to federal, state and local law enforcement officers.

During FY 2008, a total of \$2,083,616.47 in assets were forfeited (\$1,956,168.30 forfeited civilly and \$127,448.10 forfeited criminally). The forfeited funds are used in several ways. Forfeited funds may be restored to crime victims as restitution, or distributed to participating state and local law enforcement agencies under the Department of Justice's Equitable Sharing Program. These funds are earmarked for specific purposes authorized by the Attorney General, including drug education and narcotics investigation.

## Notable Civil Cases for FY '08

**United States v. Proceeds From the Sale of the Lakes Region Greyhound Park** - This was a forfeiture case against the proceeds from the sale of a racetrack, as property involved in money laundering conducted for the benefit of convicted drug dealer Randy Noe. The United States forfeited \$542,000 from the former owners of the track.

**United States v. 418 Wolcott Street, Auburndale, MA.**— The United States filed a forfeiture case against a residence belonging to a convicted drug dealer, Richard Lizotte, resulting in the forfeiture of \$500,000.



**United States v. 17 Green Street, Natick, MA**— The United States filed a forfeiture case against the residence of Lizotte's co-conspirator, resulting in a \$150,000 forfeiture.

**United States v. 4 Partridge Hill Road**— This was a forfeiture case brought against the property of a marijuana trafficker, resulting in a forfeiture of \$189,888.99 and of eleven firearms.

**United States v. One Nissan Quest, et al.**— The United States filed a forfeiture action against property of the former owners of the Good Times Smokeshop, in connection with sales of drug paraphernalia, including bongos and glass pipes. The United States forfeited \$67,536.21 in funds, inventory valued at approximately \$500,000, and a Nissan Quest van, valued at approximately \$15,000. The van will be put into official use by law enforcement.

**United States v. \$44,850, et al.**— The United States filed a forfeiture action against \$44,850.00 in United States Currency, and a Snap-On Polaris Mechanics Tool Chest in which the currency and controlled drugs were stored. The tool chest will be used by law enforcement.

**United States v. 24 Wilton Road**— This was a forfeiture case brought against a residence owned by Linda and Lawrence Platte from which their son, Jonathan Platte, conducted a significant drug distribution ring. The United States is forfeiting sixty-percent of the equity in the residence, which will amount to approximately \$100,000. As part of the case, the United States also forfeited a pick-up truck valued at \$13,000 and just over \$8,000 in United States currency.

**United States v. 132 N. Policy Street**— In this civil forfeiture action, the United States forfeited a residence and \$125,000 in United States currency belonging to convicted drug dealer Michael Brown.

### **Notable Criminal Cases for FY '08**

**United States v. Vee Excel**— The United States forfeited \$41,577 from the defendant corporation, representing funds involved in the importation and sale of counterfeit pharmaceuticals.

**United States v. Barood**— The United States forfeited \$79,637.60 from an accountant involved in federal money laundering violations for the benefit of convicted drug dealer, Christopher Bouchard.

## **AFFIRMATIVE CIVIL ENFORCEMENT (ACE)**

The ACE Unit pursues civil fraud cases, such as health care fraud and government program fraud, primarily under the False Claims Act, to recover damages and penalties for the United States, and often to obtain injunctive relief to prevent future fraud. The ACE Unit also pursues the enforcement of federal laws and regulations pertaining to the environment, and public health, safety and welfare. For example, the ACE Unit actively works to enforce the Americans With Disabilities Act (ADA) and provides support to the Occupational Safety and Health Administration (OSHA). The ACE Unit also handles "qui tam" litigation, or private citizen-referred lawsuits, involving suspected governmental fraud.

In FY 2008, the ACE unit continued to pursue numerous investigations into possible violations of the False Claims Act and recovered over \$1 million on behalf of the United States. In appropriate cases, the ACE unit has coordinated closely with the Criminal Division and the Asset Forfeiture Section to ensure that all appropriate law enforcement options are used in particular cases. In some cases, the ACE unit has conducted "parallel proceedings" by pursuing civil remedies against individuals or entities that also are the subjects of criminal prosecutions. In other instances, the ACE unit has worked with the Asset Forfeiture Section to ensure that wrongdoers do not retain properties that were purchased with ill-gotten gains.

Among the cases handled by the ACE Unit in FY 2008 were:

**U.S. v. Rockingham Regional Ambulance, Inc.** - Rockingham, a large ambulance company, agreed to pay \$958,000.00 to resolve allegations that its billing to Medicare and Medicaid violated the False Claims Act. Without admitting any liability in this matter, Rockingham agreed to pay \$882,000.00 to the United States and \$76,000.00 to the State of New Hampshire to resolve allegations of health care fraud. The United States claimed that between April 1, 2003, and April 30, 2006, Rockingham submitted claims to the Medicare and Medicaid Programs using a billing code indicating that it had provided emergency advanced life support services in situations



where it was not appropriate to use that code because the provision of advanced life support services was not medically necessary or not documented appropriately. In addition, the United States claims that between April 1, 2003, and December 31, 2004, Rockingham submitted claims to the Medicare Program using a billing code indicating that it had provided emergency basic life support when Rockingham's ambulance services actually had been provided in non-emergency situations. Federal and state investigators alleged that as a result of these actions, Rockingham received payments from the Medicare and Medicaid Programs that it was not entitled to receive. The company also entered into a Corporate Integrity Agreement with the Office of Inspector General of the United States Department of Health and Human Services.

**United States v. Deborah Leidner Miller and Total Body Therapy, LLC**—A provider of occupational



therapy and her business agreed to pay over \$211,000 to resolve allegations that they violated the False Claims Act when submitting claims to Medicare and Medicaid for occupational therapy services. Specifically, an investigation by federal and state investigators uncovered evidence that **Miller** submitted claims to Medicaid for occupational therapy services purportedly rendered in 1999 without possessing any supporting documentation to demonstrate that the services were rendered. In addition, the United States asserted that **Miller** and **Total Body Therapy** submitted claims to Medicare for occupational therapy services purportedly rendered by **Miller** in 2001 and 2002 when the services were not rendered by **Miller**, but

were performed (if at all) by unsupervised assistants or aides.

Without admitting liability, **Miller** and **Total Body Therapy** agreed to pay over \$211,000 to resolve the allegations and agreed to enter into a Corporate Integrity Agreement with the Office of Inspector General of the United States Department of Health and Human Services.

**United States v. Richard Forbes**— Richard **Forbes**, a cattle dealer in Lancaster, New Hampshire agreed to pay \$5,000 to resolve his liability for civil monetary penalties for violations of the Packers and Stockyards Act. **Forbes** failed to submit timely reports to the Grain Inspection, Packers and Stockyards Administration in 2006 and 2007. As a result, he was subjected to potential civil penalties.





# AMERICANS WITH DISABILITIES ACT ENFORCEMENT

The ACE Unit works closely with the Disability Rights Section of the Justice Department's Civil Rights Division, the Governor's Commission on Disability, and other public and private entities to pursue, aggressively but appropriately, the Department's strategic plan of upholding the civil rights of all Americans by actively seeking out those public and private buildings, facilities and programs, which present physical barriers to accessibility, and to investigate vigorously those situations and to enforce the remedies under the ADA to its fullest extent. As part of that goal, the ACE Unit has provided consultation and technical assistance to municipalities and private entities to assist them in bringing facilities into compliance with the ADA without the need for litigation.

## **Among the ADA matters resolved in FY 2008 were:**

- Concord Hospital entered into a settlement agreement to resolve allegations that it violated the ADA by failing to provide sign language interpreters to deaf individuals who requested interpreters and needed interpreters to communicate effectively. Without admitting liability, the Hospital agreed to adopt wide-ranging improvements to enhance its ability to meet the communication needs of the deaf and hard-of-hearing. The Hospital also agreed to pay a total of \$100,000 to six deaf individuals who had alleged that the Hospital had failed to provide them with effective communication when they or their family members were seeking medical treatment.
- The Town of Sanbornton entered into an agreement in which the Town agreed to bring several town facilities into compliance with Title II of the ADA, including the Administrative Office, the Fire Station, the Old Town Hall, and the Baseball Complex. As part of the agreement, the Town made numerous changes to improve the accessibility of these locations and to ensure that accessible parking was available at these locations.
- The Town of Raymond agreed to make improvements to a recently-constructed bridge on the Town's recreational trail so that the bridge would be accessible to individual with mobility impairments.
- The owner of a commercial property in Portsmouth agreed to address several access issues. The owner took multiple steps to improve accessibility, including adding additional signage, repairing an accessible route, and providing appropriately-marked accessible parking spaces.
- The owner of Fort Eddy Plaza, a large consumer shopping center located in Concord agreed to re-stripe the parking lot to provide 18 designated accessible parking spaces, including three van-accessible spaces.



# ADMINISTRATIVE DIVISION

The Administration Division provides administrative support to the District, which include: Office Operations, Personnel Management, Financial Management, Physical and Personnel Security, Systems and Information Management, Contract and Procurement Services as well as a variety of other office support activities. Nine dedicated employees, including a student, contract worker and the Administrative Officer, assists the United States Attorney in the daily management and operation of the division. Peter Kawonczyk, Administrative Officer, provides guidance on the management and use of the District's Financial, Personnel, Security and Physical Resources, as well as Administrative Policies, Procedures and Practices. Mr. Kawonczyk serves as the Secretary for the New Hampshire Federal Executive Association, which represents all Federal Agencies in the State and facilitates a working relationship between the Federal Agencies, State and Local Government.

This was another busy year for the Administrative Division and will be remembered as the year of inspections. We started out with a JMD inspection of our Security Program. This was followed by an HQ fiscal inspection then came KPMG, an independent auditor, testing fiscal compliance and was culminated by a district wide EARS evaluation. The Administrative team is proud to have accomplished all inspections and evaluations in an outstanding manner and is in excellent standing. The Receptionist/Docketing Clerk position became vacant during the year and these duties are being accomplished by Meaghan Emslie, a student employee, attending Boston University. She was joined, for the summer, by Anthony Tomich attending St. Anslem's College. Soon we hope to bring on board two additional part time student workers. Congratulations to our Budget Technician on the birth of her daughter.

## **Personnel Management & Human Resources**

Ms. Carol Fortin is our Human Resources Specialist. She is responsible for all personnel matters from recruitment to retirement. The office processed 5 new recruitment packages and 5 departure packages. In addition, over 300 individual actions were prepared and sent to EOUSA/HR for processing. These included: personnel actions, payroll transmittals, benefits forms, current employee re-investigation packages, new hire personnel packages, pre-employment investigation packages, annuity estimate packages, disability packages, award nominations, student loan repayment program packages, credential requests, retirement applications, vacancy announcements and position description classification and renewal requests. This one person shop continues to be a busy operation.

Ms. Fortin also handles numerous other activities such as: Thrift Savings Plan; Health Insurance; Life Insurance; Federal Employees Dental and Vision Insurance Plans; Combined Federal Campaign; Coordinating Training; Voluntary Leave Bank Program; Voluntary Leave Transfer Program; and is the Timekeeper for the District.



# ADMINISTRATIVE DIVISION (cont.)

## Financial Management and Procurement

Financial activities are managed by a fiscal team consisting of Marie Vermette, Budget Officer, Janna Foote, Financial Technician and Erin Sears, contract worker. The office is funded through nine different appropriations which are assigned to the District. Maintaining accountability in financial matters is a mission that is carried out with the utmost care. This year, the office processed over 425 obligations, 160 travel payments, and 1150 electronic and draft payments. Sharon Taub joined our Administrative team in February, 2007. She is responsible for the district's procurement activities. This year the district processed over 150 credit card purchases. More complicated procurement requests require purchase orders or contracts. This year we processed in excess of 34 purchase orders, 30 contracts and 5 blanket purchase orders.

## Support Services

Arriving at our District you will be greeted by one of several students who serves as our Receptionist and Docketing Staff. The District receives hundreds of visitors and telephone calls per month. Our students greet all visitors and callers, and route calls to the appropriate extension. We are fortunate to have a crew of eager students. The students are responsible for ensuring that all visitors sign in and are given properly marked badges. Ms. Meaghan Emslie, our current student employee, has assumed the responsibility as docketing technician. She properly docketed all cases in a database for a clear and concise representation of the district's activities both in the Civil and the Criminal division.

## Information Management Systems (Information Technology)

The Information Technology (IT) section is managed by Bob O'Connor and Jessica Magdziasz. Managing varied district information assets to provide a secure and reliable information system infrastructure presents constant challenges that have been met with outstanding success. In addition to answering over 700 help desk support requests, IT administers network servers, desktops, secure laptops, case management databases, video teleconferences, hard wired and portable voice communications, printers, copiers, scanners, and District internet and intranet sites.



Projects accomplished this year included the replacement of all networked printers and multifunction copiers providing end users with network scanning and printing. The upgrade provides all users color printing capability as well as password secure document retrieval.

Also new to the office, is the addition of a distinct and separate communications capability affording our Intelligence Research Specialist and Computer Hacking & Intellectual Property attorneys anonymous Internet access for investigatory purposes. Expanding on this capability, the District is now providing visiting agents and attorneys wireless network access to their home agencies and firms.

A fill-able forms package has also been introduced affording staff a central location for all forms in use by the District. Providing users a single source insures form integrity, effectively reducing processing delays due to incomplete or erroneous information.



# UNITED STATES ATTORNEY'S OFFICE AUSA's

## **First Assistant U.S. Attorney**

Michael J. Gunnison

### **Criminal Division**

Robert M. Kinsella, Chief  
Robert J. Veiga, Deputy Chief

Don Feith, Sr. Litigation Counsel

### **White Collar Crime Section**

Arnold H. Huftalen  
Mark A. Irish  
William E. Morse  
Mark S. Zuckerman  
Alfred Rubega

### **Violent Crime Section**

Peter E. Papps  
Clyde R.W. Garrigan  
Terry L. Ollila  
Jen Cole Davis  
Helen White Fitzgibbon  
Deb Walsh

### **Appellate Section**

Aixa Maldonado-Quñones

### **Civil Division**

Gretchen Leah Witt, Chief

T. David Plourde  
John Farley

### **Asset Forfeiture Section**

Rob Rabuck  
Seth Aframe

### **HIDTA**

Michael Zaino, SAUSA

### **Project Safe Neighborhoods**

Kenneth Perkes, SAUSA

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